

## **Italian Maritime Spatial Plans: Transboundary SEA Consultations**

### **Feedback from the Maltese authorities**

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#### **Continental Shelf Department**

CSD would like to make the following comments in relation to the MSP Plan and the related SEA Process for the Ionian-Central Mediterranean maritime area (as presented in the Summary Document in English):

- We note that the plan aims to provide strategic level indications and guidelines for each maritime Area and their sub-areas (including the Ionian-Central Mediterranean maritime area) and is intended to be used as a reference for other planning actions (sector or local level) and for the granting of concessions or authorisations (Page 4, section 3);
- The plan attributes specific planning objectives to the IMC/6 and IMC/7 Figure 2 (page 13) sub-areas which include maritime transport, maritime safety, navigation and surveillance, fishing, energy and environmental protection and natural resources (pages 116 and 121).

The extent of the plan for the Ionian-Central Mediterranean maritime area includes two internal zones namely IMC/6 and IMC/7 where Malta and Italy have overlapping continental shelf and EEZ interests. The MSP Plan should not extend into such areas as it may prejudice Malta's sovereign rights, hampering the reaching of a final maritime boundary agreement between the two countries. Malta shall not be bound by the conclusions carried out by Italy in areas over which there are overlapping interests.

In view of the above, Malta again requests that Italy's MSP Plan (and the related SEA process) is carried out in areas over which there are no overlapping interests between Malta and Italy, unless Malta's observations and reservations in this transboundary consultation exercise on same are taken into consideration and included as an integral part of the entire process.

#### **Department for Fisheries and Aquaculture**

We wish to thank the Italian Ministry of Sustainable Infrastructure and Mobility for this comprehensive document. From the fisheries perspective the Department of Fisheries and Aquaculture wish to highlight the following comments:

#### **Fisheries Restricted Areas**

With reference to *3.1 Legal effectiveness of the Plan*, we note that the Plan incorporates and systematizes the possible uses provided by the existing planning, in terms of exclusive uses or prohibitions of use, temporary or otherwise, for the use of certain fishing gear in *Fisheries Restricted Areas* that are aimed at safeguarding the sustainability of fishing stocks. The text in page 7 mentions

that the Plan directs the discretion of the administrations responsible for issuing concessions, providing for one or more uses with priority over others. DFA wish to ask to what extent these concessions will be and how these concessions will be allocated? It is pertinent to note that Fisheries Restricted Areas fall under the auspicious of the GFCM where its Recommendations are binding in nature.

Page 63 of the document mentions *“The Plan also identifies various measures at national scale identified to favour the sustainable development of the sector. Specific measures, reinforcing and adapting the national ones, are also identified at sub-area level.”* DFA wish to know what these specific and reinforcing measures are and how they will be deployed in the context of a level-playing field among CPCs.

With reference to FRAs, although it is beyond the delimitation of the plans, we wish to highlight that reference is made to the FRA at the Gulf of Gabès that incorporates an important fishing ground for the CPCs concerned.

### **Fishing Aggregating Devices (FADs)**

The Strait of Sicily is an important site for many species of commercial interest. The central Mediterranean is one of the most important fishing zones for large and medium-sized pelagics. DFA suggests that the plan should incorporate the deployment of Fishing Aggregating Devices (FADs) that can be a source of conflict between the parties involved. FADs are deployed during the Dolphinfish fishing season. The allocation of FADs are done on seasonal basis where CPCs allocate fishers, the direction and extent of where FAD should be deployed in order not to overlap one another. As FADs are deployed over routes that comprise large distances, this will have the potential to cross over the deployment by other CPC's. Hence, we are of the opinion that further details about the mitigation of the problems that FADs might pose should be tackled by the plan.

### **Strait of Sicily**

With reference to Figure 36 on Page 114, the map shows an area designated as 'Simplified Fishing Effort' subtitled, MIPAAF – Scientific Pole elaboration. DFA wish to ask further details about this designation and whether it will bear any effect on Maltese fishers. Another aspect, we wish to highlight is to what constitutes submerged goods (Superintendence of the Sea -MIC) for which one of such areas are located N-W of the Maltese archipelago.

Whilst acknowledging the ecological importance of the sea that incorporates the Strait of Sicily, DFA wish to point out that the Strait has a high strategic importance for the local fishing community as well as to other CPCs that utilise this area for their fishing. In consideration that this area also constitutes an important route for maritime traffic, it is imperative to address the impact of transport vessels onto fishing practices beyond Malta's Fisheries Management Zone.

## **Environment and Resources Authority**

### **ERA's comments on the Italian Maritime Spatial Plan for the Ionian-Central Mediterranean area and its Strategic Environmental Assessment (SEA) Environmental Report (ER)**

ERA considers that its comments should be taken into consideration in the finalisation of the maritime spatial plan and the SEA Environment Report so as to ensure that potential environmental impacts are mitigated at an early stage.

#### **1. Introduction**

- 1.1 Reference is made to the transboundary consultation on the Italian Maritime Spatial Plan and the associated Strategic Environmental Assessment (SEA) Environment Report (ER) of the Ionian-Central Mediterranean Maritime Area. Malta again requests that Italy's MSP Plan (and the related SEA process) is carried out in areas over which there are no overlapping interests between Malta and Italy, unless Malta's observations and reservations in this transboundary consultation exercise on same are taken into consideration and included as an integral part of the entire process.
- 1.2 The following comments are provided without prejudice to ERA's review and comments on any other subsidiary plans, proposals and projects that will emerge from this plan, when further environmental screening may be required from Malta's perspective. This includes projects requiring transboundary Environmental Impact Assessment (EIA) and/or Appropriate Assessment procedures, as relevant.

#### **2. General comments**

- 2.1 Various proposals in the above-mentioned maritime spatial plan are intended to improve the marine environment and therefore, are expected to have an environmental benefit even beyond the Italian maritime space. These include measures to:
  - intensify maritime surveillance to reduce the environmental impacts generated by maritime traffic including collisions with megafauna and discharges of pollutants, emission of climate-altering substances, dispersion of waste, introduction of alien species, etc.;
  - protect and enhance the landscape and cultural heritage such as minimizing the visual impact on the coastal landscape of seawater facilities and structures (e.g. energy, aquaculture) and the conservation of underwater archaeological assets;
  - pursue a shared and peaceful transitional management, sustainable in the long term, in terms of fish stocks and biodiversity between Italy, Malta, Tunisia and Libya by regulating recreational fishing, reducing fishing mortality of target species exploited by commercial fishing and containing the impact on fish resources and biodiversity of illegal fishing;
  - promote research across the area on marine ecosystems and impacts related to maritime and human activities; and
  - increase safety conditions in maritime navigation and surveillance, particularly in the areas of the Sicilian channel that are subject to transits of boats linked to migratory phenomena.

2.2 However, certain proposals in particular sub-areas could potentially be of an environmental concern for Malta (see below). It is therefore imperative that Malta is consulted on any other plans, proposals and projects that are linked to this marine spatial plan and which could have a potential environmental impact on Malta's marine environment.

### **3. Marine protected area**

3.1 The marine spatial plan and the accompanying SEA Environment Report make several references to a proposal for strengthening and extending marine protected areas between Italy, Malta and Tunisia in the central Mediterranean. ERA considers that this proposal should be subject to additional transnational collaboration, discussions and agreements between the relevant countries, including Malta, before proceeding with any further details and proposals on the matter. Additionally, it is important to ensure that such discussions and proposals are based on up-to-date and robust data and information relevant to the setting up of new marine protected areas. It is recommended that the above should be clearly reflected in the revised marine spatial plan and its SEA Environment Report.

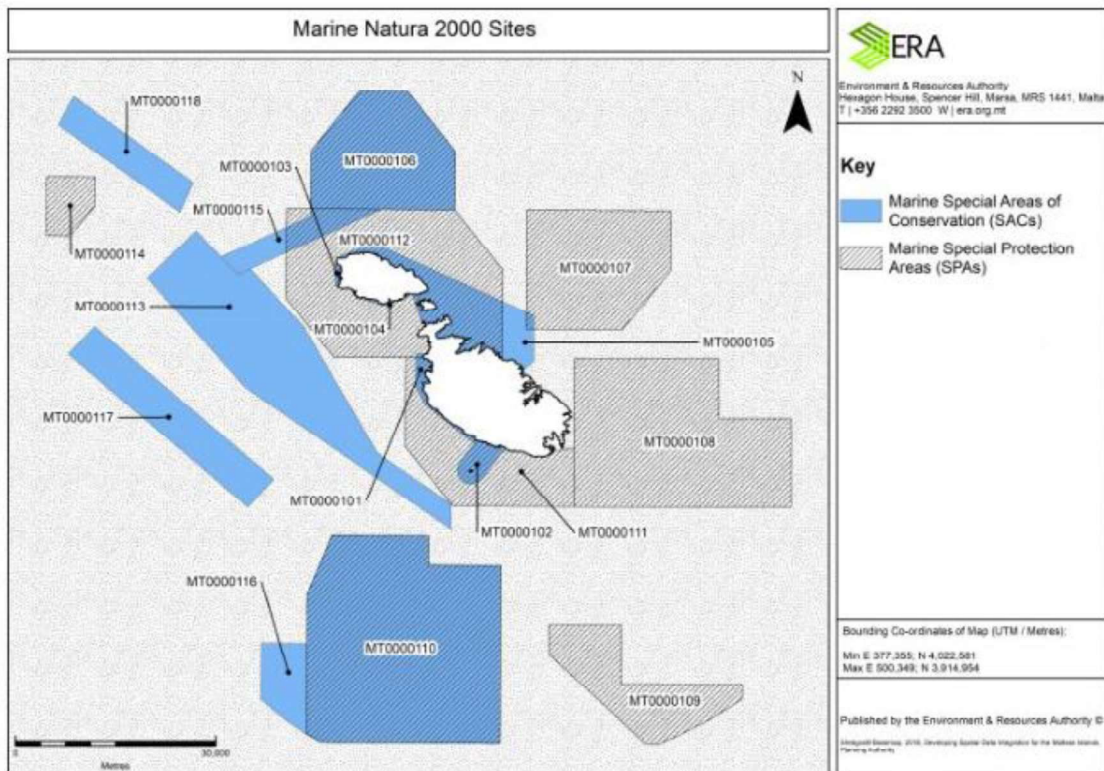
### **4. Malta's marine environment and marine Natura 2000 sites**

4.1 Certain proposals involve the implementation of infrastructure, networks and development in the marine environment, including offshore. These include energy infrastructure (including renewables); proposals related to hydrocarbon exploration and production, and aquaculture activities. Proposals involving physical interventions in the marine area, especially those close to Malta's marine waters, may also have adverse impacts on the marine environment. The scale, number and location of such proposals will determine the relevance and significance of such potential impacts on Malta's marine waters and marine environment.

4.2 Section 4.2 of the ER highlights that *'certain measures set out in the Plan or the cumulative effect due to the implementation of certain uses provided by the Plan may lead to potential impacts on the SCIs, SACs and SPAs'*. The report makes reference to a study attached to the ER (Annex IX) which is part of the integrated assessment of plans in relation to Natura 2000 sites and SEA. However, such study was not provided in Annex IX of the Environment Report and therefore, could not be reviewed by ERA.

4.3 Given that only indicative strategic proposals have been provided at this stage, it is difficult to determine whether such proposals could have a significant impact on Malta's marine Special Areas of Conservation (SACs) and/or Special Protected Areas (SPAs). The potential negative impacts associated with the plans' proposals cannot be excluded at this stage. The Environment Report should indicate if the plan's proposals could adversely affect Malta's marine environment and its marine SACs and SPAs. Proposals emerging from this plan, which could have an adverse impact on Malta's marine SACs and SPAs (see Figure 1 below) will require an Appropriate Assessment study in line with the EU Habitats Directive. Therefore, it is important that Malta is consulted on any future proposals in the respective sub-areas which could have an effect on Malta's waters.

Figure 1: Map of Malta's marine Natura 2000 network which encompasses 18 sites and covers over 4100km<sup>2</sup>. The network, comprised of SACs and SPAs was established for the conservation of important habitats and species including: the Neptune seagrass (*Posidonia oceanica*); the Maltese topshell (*Steromphala nivosus*); the loggerhead turtle (*Caretta caretta*); the bottlenose dolphin (*Tursiops truncatus*); and three seabirds that breed in the Maltese Islands: the Scopoli's Shearwater (*Calonectris diomedea*); the Yelkouan Shearwater (*Puffinus yelkouan*); and the European Storm Petrel (*Hydrobates pelagicus*).



## 5. Relevant sub-areas and proposed marine uses

- 5.1 The maritime spatial plan (MSP) for the Ionian-Central Mediterranean area divides this marine space into 7 sub-areas, 5 of which are found in territorial waters and the other 2 in continental shelf areas. Planning Units (or priority uses) are identified for each of the sub-areas. ERA considers that the MSP should ensure coherence and coexistence with the other uses of Malta's territorial sea, potential EEZ and continental shelf (particularly for sub-areas IMC/6 and IMC/7). The sub-areas which are of most strategic relevance to Malta are sub-areas IMC/6 (Southern Sicily Continental Shelf) and IMC/7 (Ionian Continental Shelf - Central Mediterranean) in view of their proximity to Malta's territorial sea, potential EEZ and continental shelf. Particular maritime uses within sub-areas IMC/1 (Southern Sicily territorial waters) and IMC/5 (Territorial waters of Pantelleria and Pelagian Islands) could also result in indirect negative effects (see below) on Malta's marine waters.

### Aquaculture

- 5.2 The plan's proposal to strengthen aquaculture activities (in line with EU strategies) is noted, since it seeks to reduce the dependency on the import of fish products and the sustainable exploitation of fish stocks, whilst also accelerating the transition to a food system that is able to adapt to climate change. ERA's concerns related to the potential impacts of aquaculture activities on Malta's marine environment are similar to those highlighted by the ER.
- 5.3 The proper siting of such offshore activities is of utmost importance to ensure that possible environmental impacts on the marine environment remain low. Therefore, the environmental carrying capacity of the marine environment should be respected. In particular, offshore aquaculture should be located away from sensitive seabeds and marine habitats. Some of the issues highlighted in the ER could also be mitigated through suitable management practices such as improved farm management and better-quality standards and monitoring. The ER already highlights various mitigation measures aimed at minimizing the environmental impact of aquaculture, such as the reduction of the use of plastics and the creation of breeding facilities for native species. It must be ensured that these environmental considerations are properly enforced so that future aquaculture projects and related interventions are not harmful to the marine environment.

### Energy

The proposed objectives for energy within sub-areas IMC/6 and IMC/7 varies from renewable energy (e.g. offshore wind power, solar, wave and current) and their possible association with other offshore activities (e.g. aquaculture), to hydrocarbon exploration and production. The Environment Report recognizes that both hydrocarbon exploration and marine renewable energy sources could result in negative impacts on the marine environment. Energy objectives proposed in areas over which there are overlapping interests should be removed from the plan.

- 5.4 ERA concurs with the proposed mitigation measure in the ER that the siting for energy-related infrastructure is critical to avoid negative impacts in the first instance. This should include avoidance of transboundary impacts. This environmental consideration shall apply to Malta's marine environment which also includes Malta's continental shelf and potential EEZ, to ensure that such activities do not have adverse impacts on sensitive areas such as Malta's seabed, marine habitats and marine protected areas (SACs and SPAs). Measures supporting large-scale renewable energy facilities in waters which are relevant to Malta would require early discussion for screening of potential major environmental issues and any required assessments. Moreover, ERA considers that the ER should clearly recommend that the plan should give preference to proposed development, infrastructure and similar interventions that are least harmful to the environment, which are primarily accommodated away from sensitive marine areas.

### Other maritime sectors

5.5 The maritime spatial plan, in respect of sub-area IMC/7, also refers to other emerging maritime sectors such as marine biotechnologies and other possible offshore activities including research on deep seabed habitats. It is unclear if such proposals could have environmental impacts on Malta's marine environment as these were not covered in the Environment Report.

## **6. Mitigation measures**

6.1 The Environment Report highlights various mitigation measures to prevent adverse environmental impacts. Generally, ERA concurs with the proposed mitigation measures in the Environment Report, as such measures address some of ERA's main concerns regarding the prevention of particular impacts identified in the SEA study. Therefore, it is recommended that the plan should only support projects that respect these measures. Projects without suitable environmental safeguards should not be considered, so that environmentally damaging interventions are avoided at plan-stage as much as possible.

## **7. Alternatives**

7.1 ERA notes the conclusion of the Environment Report that the "Plan Implementation" scenario (i.e. implementation of the measures and actions as proposed in the MSP) has the most significant positive impacts, by directing planning and policy decisions towards: (i) the sustainable growth of maritime economies, (ii) the sustainable development of marine areas and (iii) the sustainable use of marine resources.