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ITALIAN REPUBLIC
Ministry of Environment
and Energy Security
prof. Gilberto Pichetto Fratin, Minister
Via Cristoforo Colombo n. 44
00147 Roma

SUBJECT: Delivery of notification regarding the cross-border Strategic Environmental Assessment procedure for the Italian Maritime Space Management Plan – Adriatic Maritime Area

Dear Minister Pichetto Fratin,

regarding the cross-border strategic environmental impact assessment procedure for the Italian Maritime Space Management Plan – Adriatic Maritime Area, following the receipt of documentation in the period from 23 November to 22 December 2022 the Ministry of Economy and Sustainable Development of the Republic of Croatia (hereinafter: Ministry) conducted public consultations on the strategic study of the Italian Maritime Space Management Plan – Adriatic Maritime Area (hereinafter: Strategic study) and the draft proposal of the Italian Maritime Space Management Plan – Adriatic Maritime Area (hereinafter: Plan). The documents were available for inspection at the Ministry's official website <https://mingor.gov.hr>. No comments were received from the public or interested public in the course of the public consultations. Concurrently with the public consultations, the Ministry carried out consultations with state administration bodies and legal entities with public authorities in the Republic of Croatia on the documentation in question.

Pursuant to Article 10 of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kiev, 2003), hereinafter: Protocol, we notify you as follows on the opinions received from the state administration bodies of the Republic of Croatia:

The Plan provides indicators and guidelines at strategic level for the maritime domain and its sub-areas to be used as guidance for other planned activities (at sectoral or local level) as well as for the granting of concessions or authorisations. Depending on the characteristics of sub-areas and their planning needs, the Plan offers more or less detailed indicators, both in terms of spatial resolution and in terms of defining measures and recommendations.

The drafting of Italian maritime spatial plans is carried out in three parallel and coordinated processes in three maritime areas of the Adriatic Sea, the Ionian Sea - Central Mediterranean Sea and the western Tyrrhenian Sea - Mediterranean Sea. The Plan is divided into nine sub-areas, six of which within territorial waters and three sub-areas within international waters (A/7 – Northern Central Adriatic Continental Shelf, A/8 – Central-Southern Adriatic Continental Shelf and A/9 – Southern Adriatic Continental Shelf).

The Plan should contribute to the transboundary management of environment and natural resources, through the systematization of the network of environmental protection tools (MPAs, Natura 2000 network, EBSAs - CBD, SPAMI, etc.), and through planning choices consistent with the measures agreed at transnational level for the protection of fishery resources (e.g. FRAs - GFCM) and through choices consistent with the common European objectives defined in terms of quality of the marine environment (MSFD).

Strategic objectives are divided into three principles (sustainable development, environmental protection and natural resources, landscape and cultural heritage) and eight sectors (maritime safety, navigation and surveillance; maritime transport and ports; energy; coastal defence; fishing; aquaculture; coastal and maritime tourism; scientific research and innovation). The strategic objectives broken down by sector are as follows:

- sustainable development – developing a sustainable marine economy, multiplying growth opportunities for marine and maritime sectors; contribute to the National Strategy for Sustainable Development; contributing to the European Green Deal; Fully grasp the economic and environmental sustainability opportunities arising from the circular economy;
- environmental protection and natural resources – apply a consistent Ecosystem Based Approach (EBA) at all stages of drafting Maritime Spatial Plans; supporting the extension of EU marine protection to 30% by 2030; transpose and promote the implementation of the main space measures foreseen in the MSFD Program of Measures; integration of land-sea interaction aspects and integrated management of the coastal strip, with particular reference to environmental aspects; take into account in the medium - long term the process and objectives of marine ecosystem restoration as outlined in the proposed European Law on Environmental Restoration;
- landscape and cultural heritage – support the landscape value of the coastal strip; promoting the recovery and redevelopment of buildings and areas subject to protection; promote and support the conservation of underwater archaeological heritage; promoting regional and international cooperation in the field; promoting and creating awareness on intangible cultural heritage; combating unauthorized building in coastal areas;
- maritime safety, navigation and surveillance – preventing pollution from ships and contributing to the implementation of the measures of the Marpol Convention; help promote maritime safety, the implementation of UNCLOS standards and the EU Maritime Safety Strategy;
- fishing — sustainable development of the fisheries sector; implementation of European and National Multiannual Management Plans in Geographical Sub-Areas (GSA); promotion, development and spatial management of small-scale coastal fishing using sustainable techniques; promote the creation of areas for the recovery and protection of fish stocks and protection of Essential Fish Habitats (EFH); to encourage cooperation among States in order to

- achieve concerted measures for the sustainable management of the activities of their national fisheries sectors; monitoring and combating illegal fishing;
- aquaculture — promoting the sustainable growth of the aquaculture sector; promoting quality aquaculture and supporting the process of establishing AZAs (Allocated Zones for Aquaculture);
 - maritime transport and ports - promoting sustainable development of maritime transport and reducing its negative impacts; promoting the use of alternative fuels, reducing discharges into the sea, improving port facilities for the collection of waste and cargo residues and/or encouraging the use of such facilities, improving the management of dredged sediments; promoting European and regional cooperation on maritime transport and multimodality; contribute to increasing the competitiveness of Italian ports, the sharing of ‘best practices’ and the implementation of the National Strategic Plan for Ports and Logistics (PSNPL); promote the integration and dialogue between existing planning systems in particular regarding the integration of port strategic planning, land planning and sea plans;
 - energy – to contribute to the energy transition towards renewable and low-emission sources through the development of offshore renewable energy production; pursue the environmental, social and economic sustainability of offshore hydrocarbon prospection, exploration and production activities; promote the conversion of platforms and infrastructure associated with depleted fields and synergies between compatible maritime activities; promoting European and regional energy cooperation; promoting the planning of suitable areas for CO capture and geological storage;
 - coast defence — promote the development, harmonization and implementation of strategies and measures to protect the coastline and combat erosion foreseen in the Flood Risk Management Plans drawn up at the scale of the Hydrographic District in compliance with the provisions of the Floods Directive (2007/60/EC) and in the Coastal Plans / Integrated Coastal Zone Management Plans prepared by many regions; ensure the best coherence between the uses and vocations of sea use foreseen in the MSP Plans and coastal uses, with reference to their safeguard in a scenario of necessary adaptation to ongoing climate change; consider and adequately address the issue of the use and protection of underwater sand for beach nourishment, to be considered as a strategic resource for coastal defense and adaptation plans;
 - coastal and maritime tourism – promoting sustainable forms of coastal and maritime tourism; promoting coherent planning actions on land and sea, also for tourism purposes; To contribute to the diversification of tourist products and services and to counter the seasonality of demand for inland, coastal and maritime tourism;
 - scientific research and innovation – target marine research activities on the knowledge needs of the Plan, to strengthen and support the planning process and its sustainable growth objectives; to encourage the development of technologies and innovative solutions to be used to improve the effectiveness of the Plan and to promote their dissemination in the various sectors of the marine economy and in the various marine areas; Support the maintenance and consolidation of the observation network and specific needs for experimentation and research, also in order to evaluate the effects and effectiveness of the Plan and support its updating.

In order to protect the environment, species, habitats and ecosystems, the Plan promotes the implementation of environmental objectives under the Marine Strategy Framework Directive (MSFD), related spatial measures provided for in the Programme of measures of the Marine Strategy Framework Directive (2008/56/EC) and the European Water Framework Directive (2000/60/EZ). The relevant objective for the Adriatic Sea is to enhance and implement the system of protected areas, taking into account interactions with the coast in synergy with other present uses. Particular attention shall be paid to the management of the protection of species, habitats and

ecosystems by highlighting environmentally relevant areas and marine habitats with a view to implementing conservation and monitoring strategies over time, and to strengthening existing conservation measures within a framework of overall ecological coherence, which aims to achieve a consistent and effective the extension of the protection of EU seas to 30% by 2030.

The Plan aims, among other things, to contribute to the objectives of increasing the share of energy produced from renewable sources defined by the PNIEC (National Energy and Climate Plan) of 2019 (30% of gross final energy consumption by 2030), as well as to the decarbonisation targets set by the EU (reduction of CO₂ emissions by 55% by 2030). The Plan proposes to prioritise research and potential development of technologies and installations for offshore renewable energy production (with a particular focus on wind energy). As regards fossil fuels present in the area in the form of gaseous hydrocarbons, the Plan takes into account the provisions of the PiTESAI Plan (Plan for the Sustainable Energy Transition of Relevant Areas), with regard to research and with regard to production concessions already in force.

As regards fishing, the specific reference objectives for the entire area are to promote sustainable development and management of fisheries also at regional level with a view to sustainable utilisation of resources and protection of priority habitats through management measures suitable for different fishing activities. The objective is to support the development and spatial management of small-scale artisanal fishing, and therefore the Plan envisages the promotion of agreements between small-scale artisanal fishing operators and bodies responsible for the management of marine protected areas, Natura 2000 coastal and marine areas and national or regional parks, in order to promote the sustainable development of the sector in recognising the quality of products and services offered by small-scale artisanal fishing. As part of measures to streamline the capacity and sustainability of the fisheries sector, the Plan supports the establishment of new areas for the protection of fish stocks and areas for different fishing activities, principally taking into account already existing conservation areas and/or those that are to be established. The objective of effective inclusion of protected areas, reserves and areas for the reconstitution and protection of fish stocks (for example, Biological Protection Zones (ZTB)) is to support the reduction of the impact of fishing, and thereby ensuring long-term sustainability of the sector.

Regarding cross-border impacts, the Strategic study lists the project *Adri.SmArtFishInterreg* Italia – Croatia, which envisages bringing together Italian and Croatian operators with the aim of improving small-scale artisanal and sustainable fishing, capable of laying the foundations for coordinated management of marine biological resources in order to achieve balanced and rational small-scale fishing focused on sustainable fishing in the Adriatic area. The Strategic study under the Plan highlights the importance of cross-border cooperation aimed at implementing strategies to reduce and/or minimise potential negative impacts, which includes contributing to the cross-border management of the environment and natural resources through the systemisation of the network of environmental protection tools.

Although, as regards cross-border impacts related to hydrocarbon exploration and production projects, the conclusions of the Strategic Environmental Assessment for the PiTESAI Plan exclude the presence of cross-border impacts, the Strategic study nevertheless recognises the potential cross-border impacts of hydrocarbon exploration and production activities on the marine environment, but concludes that all cross-border impacts related to hydrocarbon exploration and production activities should be considered negligible.

With regard to biodiversity and protection of areas, the Strategic study lists several Ecologically or Biologically Significant Marine Areas (EBSA). The EBSA in North Adriatic supports important endemic species and communities. Within sub-areas A/1, A/2 and A/3 and the northern parts of sub-areas A/4 and A/7 (territorial waters), the priority environmental settings are MPA/ZTB

'Miramare', ZTB/ZSC Tegnùe 'Porto Falconera-Caorle', ZTB/ZSC 'Tegnùe di Chioggia', ZTB 'Fuori Ravenna e Aree limitrofe' and ZTB 'Le Barbara', the ZTB/FRA Jabuka/Pomo pit and in Southern Adriatic within sub-areas A/6 and A/9 (international waters) Biological Protection Zone "Off the coast of Puglia". The Jabuka/Pomo Pit is the largest Fishery Restricted Area established in agreement with the Croatian government. The Plan also identifies additional environmental settings located in the territorial sea (Annex: Figure 3) in the central and for the most part in southern Adriatic.

Further to the above, as regards the use of the part of the sea which includes the abovementioned activities and bearing in mind that marine ecosystems are under great anthropogenic pressure (observable in the fishing effort pressure map, <https://www.sid.mit.gov.it/mappa>, 05. Pesca), the textual part of the document recognises the importance of protection of areas and species for the Adriatic Sea, but this is not adequately reflected in the presentation of proposed new protection areas, in particular the ambition for the northern part of the Adriatic is insufficiently expressed (Annex: Figure 3).

Scientific research, as described in the Plan, has shown a high density of migratory species (marine mammals and turtles) populations, as is also observable from the spatial data (maps) of mammal and reptile distribution (<https://www.sid.mit.gov.it/mappa> Specie Target - Mammiferi, Specie Target - Rettili) (Annex: Figure 1 and Figure 2).

Consequently, and although the Strategic study lists certain protected areas and restricted areas (such as Jabuka/Pomo Pit for example), and although it indicates negative impacts of certain activities planned by the Plan on species and habitats within the Adriatic Sea, such as exploitation and fishing, the proposals on how to solve the potential negative impacts of these activities listed in the Plan and how to prevent the continuation of endangerment of certain species and habitats in the Adriatic Sea are not sufficiently addressed. Certain impacts are only listed, but no solutions are provided to counteract their negative impacts, especially those that directly affect the survival of certain species and habitats in the Adriatic Sea. A more ambitious approach is needed to proposing the protection of certain marine areas which, due to the biology of migratory species, are also connected to the Croatian part of the Adriatic Sea (additional areas to those already proposed in the Plan should be put forward (Annex: Figure 3)).

The Plan development provides an opportunity to prepare a comprehensive plan for the protection of marine areas and the establishment of environmental corridors in order to create a coherent and resilient Trans-European network of protected/Natura 2000 sites and to strengthen cross-border cooperation between Member States. This builds on the commitments stemming from the EU Biodiversity Strategy for 2030, as well as the related pledge process, which obliges Member States to set areas for additional and strict protection. The Republic of Croatia recognized the need for additional protection of marine areas in order to meet the criteria for 30% of the protection of the sea area, which, based on scientific data, would include the area of north Adriatic for the protection of dolphins and sea turtles.

Successful cooperation between Croatian and Italian professional and scientific institutions has been taking place for a number of years with the aim of increasing knowledge, identifying and monitoring the status of species, developing tools and databases for storing collected data and identifying activities for managing migratory species populations, including defining species conservation measures that adequately address pressures (primarily fishing effort). It is precisely through the development of maritime spatial planning documents that the opportunity arises to recognize the value of cross-border access with neighbouring countries in order to find common solutions in border areas that could provide adequate protection for these species.

In conclusion, it is proposed to complement the Plan and the Strategic study with more detailed measures to mitigate adverse impacts on biodiversity and with proposals for the protection and

conservation of biodiversity and endangered species and habitats through the proposal of additional separate areas, with a view to joint preservation of the Adriatic Sea and achieving the objectives and obligations under the EU Biodiversity Strategy for 2030.

The area outlined in the Plan (page 130, Figure 36 *Summary of the Plan*) is the result of years of scientific work and is in line with the most recent scientific advice. It is important to emphasize that cooperation on this issue must continue at the scientific and professional level and that the graphic representation of the area must not prejudge the final decision on the boundaries of the area, especially the boundaries as they are drawn in the exclusive economic zone of the Republic of Croatia, but the continuation of talks on this topic is certainly supported along with undertaking additional efforts towards the definite establishment of this area, and appropriate reasoning should be added as well, especially in the part of the area mapped out within the fishing zone of the Republic of Croatia.

Furthermore, in the cartographic representation, in the part concerning fishing effort, certain fishing effort values are shown in the Fishing Restriction Area (hereinafter: FRA) in the Jabuka/Pomo Pit (including a part of the exclusive economic zone of the Republic of Croatia and part of the current no-take zone). Since the area of Jabuka/Pomo Pit has been under the current regime continuously since 2018, the presented data on fishing effort is not distinguishable by individual year, since it is presented (we assume for a multi-year period) consolidated, such presentation is unacceptable, as it may lead to misinterpretation of activities in the FRA area. Consequently, taking into account the data presented on fishing effort from which a conclusion can be drawn on the extremely significant fishing pressure in the extra-territorial waters, it is clear that there is room for improvement in the context of achieving biodiversity objectives and that cooperation between our two countries should continue, with a view to achieving sustainable fishing and good environmental status.

Following the identified cross-border pressures and the identified measures and mechanisms to mitigate the negative impacts of the implementation of the Plan, these (as defined in Chapter 7.2.6 of the summary of the Plan and chapters on *Issues related to cross-border environmental aspects* and *Further integration, mitigation and environmental monitoring measures for the implementation phase* of the Strategic study and its non-technical summary) should be complemented by existing legal/institutional frameworks of cross-border/international cooperation:

- Agreement on Cooperation for the Protection of the Waters of the Adriatic Sea and Coastal Zones from Pollution (concluded in 1974 between the former Yugoslavia and Italy, which the Republic of Croatia, Slovenia and Montenegro are parties to based on international law on succession), on the basis of which the Joint Commission for the Protection of the Adriatic Sea and its Coastal Areas was established as an institutional form of cooperation between the Adriatic States on topics of mutual interest. Through this cooperation, a number of significant agreements were reached regarding maritime navigation and the protection of marine environment, and the main topics on which cooperation was achieved through the said Commission (until 2012) related to: cooperation in the implementation of the Marine Strategy Framework Directive, the Protocol (to the Barcelona Convention) on Integrated Coastal Zone Management in the Mediterranean, activities related to the ballast water management and the implementation of contingency plans. This Agreement constitutes a platform for continuing cooperation between the Member States;
- Agreement on the Sub-Regional Contingency Plan for prevention of, preparedness for and response to major marine pollution incidents in the Adriatic Sea (signed in 2005 by Croatia,

Italy and Slovenia) drafted on the basis of the Protocol (to the Barcelona Convention) Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol; “Official Gazette” — OG-IT No. 12/03). The purpose of the Sub-Regional Contingency Plan is to establish, within the framework of the implementation of the Prevention and Emergency Protocol, a mutual cooperation mechanism whereby the competent national authorities in Croatia, Italy and Slovenia can cooperate in order to coordinate and unify their actions relating to the prevention and response to accidental marine pollution affecting or likely to affect the territorial sea, coast and related interests of one or more of these countries, or incidents exceeding the available capacity to react of each of these countries individually. This is a mechanism for cooperation between signatory States in cases of major marine pollution incidents;

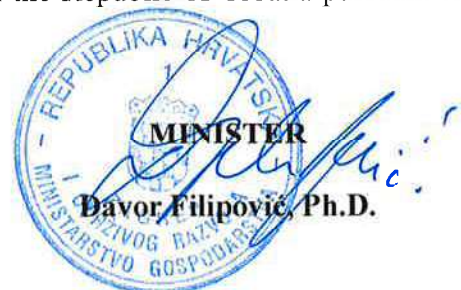
- Regional Plan (Barcelona Convention) on Marine Litter Management in the Mediterranean in the Framework of Article 15 of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (LBS Protocol; OG No. 12/93 and 3/06) with the aim of reducing marine litter and its impact on the marine environment and coastal region. In this regard, the Regional Plan defines a number of parameters related to waste management, prevention of marine litter, assessment of existing marine litter and establishment of its monitoring, including reporting on the implementation of defined measures. The Regional Plan was amended in 2021 with the adoption of Decision IG.25/9 at the 22nd meeting of the Contracting Parties to the Barcelona Convention (COP 22 BC, Antalya, Turkey, 7-10 December 2021). The measures (of regional and national character) defined in the Regional Plan are legally binding and represents a harmonised approach in addressing marine litter in the Mediterranean.

In order to ensure a clear overview of the identified measures related to mitigation of the cross-border impact of the implementation of the Plan and in this regard to achieve/maintain good status of the marine environment, it is proposed that the identified mitigation measures be listed separately in tabular form in both documents (Plan and Strategic study).

Please also note the inconsistency between the contents of the summary of the Plan and the numbering of its chapters as well as to the technical inconsistency of chapter listing of the summary of the Plan concerning elements relevant for transnational cooperation (Chapter 7.2.6. *Elements relevant to transnational co-operation*) in the non-technical summary of the Strategic study (Chapter 5.11. *Issues related to cross-border environmental aspects*, footnote 25 on page 170) and the Strategic study itself (Chapter 5.5. *Issues related to cross-border environmental aspects*, footnote 90 on page 348) and we propose that this be corrected by specifying the correct chapter.

Following the above, please provide us with an opinion on these comments, and upon receipt of these, we will inform you of the final decision of the Republic of Croatia pursuant to Article 10 of the Protocol.

Sincerely yours,

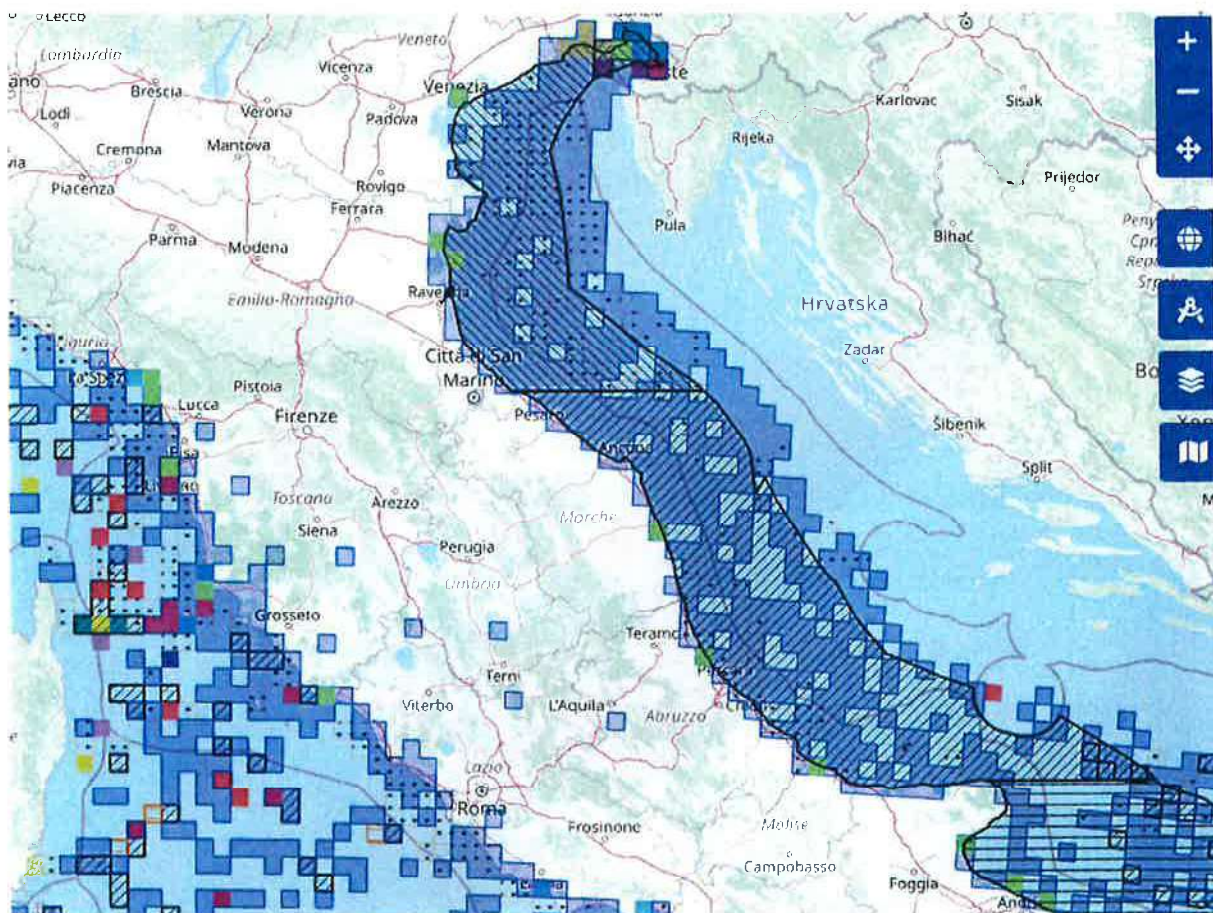


ANNEXES:

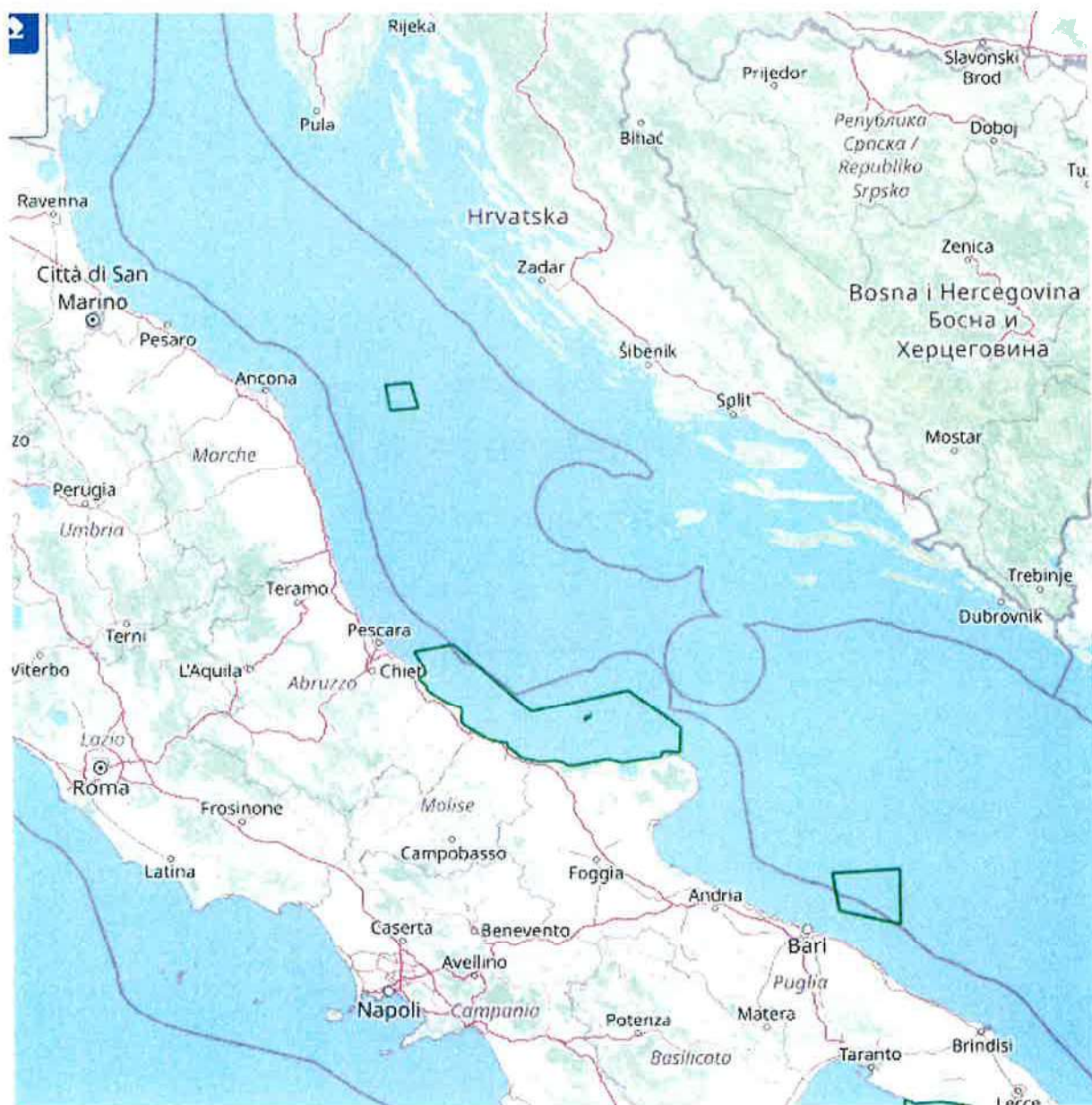
1. Figure 1: Overview of the distribution of migratory species populations (marine mammals and sea turtles)
2. Figure 2: Overview of the distribution of migratory species populations (marine mammals and sea turtles) including fishing effort
3. Figure 3: Overview of potential new Natura 2000 sites

Cc:

1. Ministry of Foreign and European Affairs, Trg N.Š. Zrinskog 7-8, 10000 Zagreb



Slika 1: Prikaz rasprostranjenosti populacija migratornih vrsta (morskih sisavaca i kornjača)



Slika 3: Prikaz potencijalno novih Natura 2000 područja