



Supporting maritime spatial Planning
in the Eastern Mediterranean
(SUPREME)



Develop a basin scale analysis strongly MSP oriented

Executive summary

Deliverable C.1.1.1.



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5. Conflicts and synergies in the use of maritime space

Managing human activities to enhance compatibilities and reduce conflicts among uses, taking in account future trends and alterations due to climate change and other long-term pressures (e.g. overfishing) is an important outcome of a plan. The European Directive on Maritime Spatial Planning (2014/89/EU) clearly establishes that “the main purpose of maritime spatial planning is to promote sustainable development and to identify the utilization of maritime space for different sea uses as well as manage spatial uses and conflicts in marine areas”.

Conflicts weaken the ability of the sea to provide the necessary ecosystem services and sustainable Blue Growth. In intensely used areas potential spatial overlaps among human activities and important natural areas frequently occur. A potential spatial conflict may arise in a stable way or in different time periods. Conflicts can be described in two major types:

- conflicts between human uses and the marine environment (user-environment conflicts);
- conflicts among human uses (user-user conflicts).

The SUPREME area hosts an important set of human activities. Almost all the maritime uses described in the whole Mediterranean basin are present and concentrated in the area: transport of goods and passengers, fisheries, aquaculture, oil & gas, energy and communication cables, coastal tourism, military uses, sand extraction, cultural heritage and protected areas. In consequence, relieve relieving the competition and enhance enhancing the synergies among spatial uses in the narrow coastal zone, as well as withaddressing protection needs of the marine environment, is a compelling need for MSP in the Eastern Mediterranean Basin. Plans have to take into account regional policies and trends, to manage potential increases in maritime conflicts due to the development (e.g. aquaculture, coastal tourism and energy) and the decline (e.g. intensive fisheries) of key sectors.

Taking in accountConsidering existing knowledge and related data of existing previous works and the activities insisting on the SUPREME area, the main sectors involved in conflicts and potential synergies are: **fisheries, maritime transport, energy, coastal and maritime tourism, environmental protection and conservation** as well as **coastal zone development** as shown in the table below.

	Italy	Greece	Croatia	Slovenia
Fisheries	V	V	V	V
Maritime Transport	V	V	V	V
Energy	V	V	V	N/A
Coastal and maritime tourism	V	V	V	N/A
Environmental protection and conservation	V	N/A	V	N/A
Coastal zone development	N/A	V	N/A	N/A

Through the analysis per sector, conflicts arise usually when activities are in competition for the resources or for space or due to negative effects on the environment. It is noted, that the evaluation is based on qualitative data and for this reason two evaluation scales were used: low and high conflict.

Current and future conflicts between activities in the SUPREME Area

	Professional Fishery	Recreational Fishery	Aquaculture	Maritime transport	Energy	Coastal & Maritime Tourism
Professional Fishery						
Recreational Fishery						
Aquaculture						
Maritime transport						
Energy						
Coastal & Maritime Tourism						

Low Conflict	
High Conflict - Competition for Resources	
High Conflict - Competition for Space	
High Conflict - Competition for Space and Negative effects on the environment	

Regarding Fisheries;

Several conflicts exist among different fishery activities as well as between fisheries and other anthropogenic activities in the marine environment.

- Intra-sectoral conflicts (fisheries vs fisheries)
- Inter-sectoral conflicts (fisheries vs other human uses)

Most of these conflicts occur near the coast where a variety of maritime activities take place, such as aquaculture, fishing, maritime transport (including ports and harbours) and maritime and coastal tourism. The near-to-coast locations are also the most attractive areas for offshore wind energy development. It is expected that activities relating to tourism, aquaculture, shipping, cables and pipelines, and nature conservation areas will grow in the future or even new oil platforms will be built.

On the other hand, regarding synergies, in Italy for example, according to the Strategic Plan, the increase of aquaculture production, together with sustainable artisanal fisheries, can be an example of synergy with the widespread coastal tourism through the development of complementary activities, including recreational fishing, environmental services, food and gastronomy sector and ecotourism. Moreover, well managed protected areas can represent a useful tool to protect the marine environment and rebuild stock in synergy with local fisheries.

Concerning the Maritime Transport activity;

Maritime transport and ports interact with the diverse human uses competing for space and resources and have significant direct and indirect impacts on the marine environment and its surroundings. Shipping contributes to many disturbances that severely affect marine and coastal habitats and species, including pollution, seabed disturbance, collision with cetaceans, marine litter, underwater noise, and the introduction of non-indigenous species through ballast water discharges. Most of the above activities have serious impacts and cause conflicts among the tourism, fishing and aquaculture sectors.

Regarding synergies, a strong synergy within the sector follows the increasing tourist flows in the area. For example, Adriatic ports are characterized by a strong presence of passengers and traffic, with increasing demand for space dedicated to recreational boating and yachting. With regard to cruise traffic, the main pole is in Venice, linked to the tourist attraction and the ability to provide ground services to ships and passengers, with an important development of the Apulian ports of Bari and Brindisi, demonstrating the need to widen the capacity and attractiveness for tourism related to cruises and yachting.

As regards Energy;

In the offshore context, the expected expansion of oil and gas operations in some areas, including the installation of proposed cables and pipelines could lead to serious conflicts with typically offshore sectors such as maritime transport, commercial fishing as well as environmental protection.

For example, hydrocarbon exploration activities in the Greek seas are expected to increase due to the concessions that have been announced, and significant areas are going to affect the maritime environment, maritime transport, professional and recreational fishing and marine aquaculture. In the future, conflicts may also occur with the potential development of offshore energy facilities. Installations of renewable energy wind farms or oil and gas extraction platforms near maritime routes may increase the risks of accidents and pollution.

As far as Coastal and Maritime Tourism is concerned;

As it is widely known, coastal and maritime tourism depend greatly on the quality of the environment and landscape and cause synergies and conflicts with activities from other sectors like fishing, aquaculture, maritime transportation, land development etc. Moreover, synergies and conflicts are more common and intense near the coastal area where a variety of maritime activities take place, such as aquaculture, fishing, maritime transport (including

marinas and ports) and renewable energy as the most attractive areas for offshore wind installations are the locations near the coast as well.

6. Legal Framework and governance structure

Questions	Italy	Greece	Croatia	Slovenia
Territorial waters extension (nm)	12 nm. 81,528 km ² ; (including 4,330 km ² islands, not included in water areas).	The Territorial Waters of Greece at the moment are set up to 6 n.m., from the baselines.	12nm. 18,981 km ²	Size of internal waters (to the baseline): 46,3 km ² , size of territorial waters: 166,9km ²
EEZ declared?	No	No	No, but Ecological and Fisheries Protection Zone is proclaimed	No
Previous experience with MSP	Limited experience in practicing MSP so far, mostly by the involvement in EU funded Projects, as ADRIPLAN, Shape, PlanCoast etc	Limited experience in practicing MSP so far, mostly by the involvement in EU funded Projects, as ADRIPLAN, ΘΑΛ-ΧΩΡ etc	Yes Maritime spatial planning is an integrated part of spatial planning in Croatia.	Limited experience in practicing MSP so far, mostly by the involvement in EU funded Projects.
Approved MSP Plans	Not yet	Not yet	Yes	Not yet
MSP competent Authority	The Italian Ministry of Transport	The General Secretariat Spatial Planning & Environment of the Ministry Environment and Energy (YPEN).	Ministry of Construction and Physical Planning	Slovenian Ministry of the Environment and Spatial Planning/ Spatial Planning, Construction and Housing Directorate.
Integrated Coastal Management (ICM) plans/tools	There is no standard in Italian national legislation that requires the definition of a specific plan for coastal areas.	The ratification of ICZM Protocol is on going (is pending by the Hellenic Parliament).	Management Strategy for Marine Environment and Coastal Areas of the Republic of Croatia (proposal)	The CAMP Slovenia – Coastal Area Management Programme in the period 2004-2008.
Disputed areas?	Yes	Yes	Yes	No

Concerning the **breadth of territorial sea**, Italy's, Croatia's and Slovenia's territorial sea extends up to 12 n.m. In addition, the territorial waters of Greece fall under certain delimitations and at the moment are set up to 6 n.m. from the baselines.

Italy, Croatia, Greece and Slovenia have not yet declared any **Exclusive Economic Zone**. More specifically, in 2011 in Italy an ecological protection zone was established in the North-Western Mediterranean, in the Ligurian and the Tyrrhenian Seas. In addition, Croatia proclaimed an Ecological and Fisheries Protection Zone out of the territorial waters, which is currently not applicable to EU countries only, but after Croatia had become a member state of the European Union it forms a part of the European Union waters where Common Fisheries Policy applies and the relevant *acquis communautaire* in respect of fisheries and ecology is applied and the EU considers it as such.

Three of the four SUPREME Countries (Italy, Greece, Slovenia) have **limited experience in practicing MSP** so far, mostly resulting from their involvement in EU funded Projects, as ADRIPLAN, Shape, PlanCoast etc. In Croatia, MSP is an integrated part of spatial planning, as spatial plans cover both terrestrial and maritime area. Basic legal act on spatial planning in Croatia is the Physical Planning Act – PPA (OG 153/2013, 65/2017).

Three of the four SUPREME Countries have not adopted and approved any **Maritime Spatial Plans** yet, with the exception of Croatia where, so far, all counties and cities / municipalities, encompassing sea area, have developed and adopted spatial plans for their administrative territories, including the corresponding sea area. At the state level, spatial plans have been developed and adopted for all national parks (Brijuni, Kornati and Mljet) and most nature parks (Biokovo, Telašćica and Vransko jezero) encompassing the marine area. Amendments to some of these plans have been planned.

Concerning the **disputed areas with other countries**,

- Italy: "Discussions and/or negotiations are currently ongoing with some neighbouring States, with a view to resolve situations of overlapping claims in the same maritime space".
- Greece: in the Aegean and the Levantine Sea there is a dispute with Turkey and in the Levantine and Libyan Seas there is a dispute with Libya.
- Croatia and Slovenia: the delimitation of territorial sea between them is still disputed. According to Slovenia (Supreme internal communication) on 29 June 2017 the Arbitral Tribunal rendered its final award determining the territorial and maritime border between Slovenia and Croatia which is binding, in accordance with the Arbitration Agreement and with general principles of international law ending a 26-year-old dispute.

<https://pcacases.com/web/sendAttach/2175>

Final delimitation of territorial sea between Croatia and Slovenia is still pending. In 2009, Croatia in good faith entered into a bilateral arbitration agreement with Slovenia in which the two States agreed to submit the dispute to an ad hoc arbitration. However, it has been revealed in 2015 that the Republic of Slovenia committed a material breach to the Arbitration Agreement thus irreparably corrupting the whole arbitration process. Croatia reacted by initiating the process of termination of the Arbitration Agreement and ceasing to apply it, fully in accordance with the procedure provided by the Vienna Convention on the Law of the Treaties and subsequent to a unanimous decision of the Croatian Parliament of 29 July 2015, and withdrew from

the arbitration. For these reasons, this arbitration resulted neither in a legitimate and authoritative decision nor in a final settlement of the border dispute. Therefore the Republic of Croatia does not accept and does not consider itself bound by the arbitral decision resulting from compromised arbitration procedure, and will not be implementing it.. However, ever since it was discovered that Slovenia violated the arbitral procedure, Croatia had been inviting Slovenia to open bilateral talks in order to find a joint solution to this open issue and finally determine the course of the common border, at sea and the land border as well. In any case, pending final delimitation of the maritime boundary within the Savudrija Bay and in front of it, neither of the two States is entitled to extend its territorial sea beyond the median line, which coincides with the situation existent before their independence. All vessels enjoy unimpeded access to and from Slovenian ports, in accordance with the UN Convention on the Law of the Sea. Moreover, Croatia, Slovenia and Italy have even agreed and jointly proposed the IMO the common routing system and traffic separation scheme that has been in application since 2004.

7. Planning Issues

Questions	Italy	Greece	Croatia	Slovenia
7.1 Has the Directive 2014/89/EU establishing a framework for maritime spatial planning been transposed in your Country?	Yes The implementation of Directive 2014/89/EU has been transposed through Legislative Decree 17/10/2016 n. 201.	No Its approval by the Hellenic Parliament is pending.	Yes The Directive 2014/89 / EU, has been transposed in the Croatian legislation by the Physical Planning Act (OG 153/2013) and Amendments to Physical Planning Act (OG 65/2017).	Yes The Directive 2014/89 / EU, establishing a framework for maritime spatial planning, has been transposed in the legislation of the Republic of Slovenia.
7.2 Have the marine areas , for which maritime spatial plans should be defined, been identified?	Yes 3 maritime areas have been selected - Western Mediterranean Sea; - Adriatic Sea; - Ionian Sea and Central-Western Mediterranean Sea.	No The marine areas have not been officially identified for the Greek case.	Yes Physical Planning Act determines the spatial plans on national, county and local levels encompassing corresponding sections of the sea areas: the internal sea water and the territorial sea of the Republic of Croatia, the protected ecological and fishing zone of the Republic of Croatia (ZERP) and the continental shelf of the Republic of Croatia.	No The marine areas have not been defined, since Slovenian territorial sea is limited in size (internal waters 46,3 km ² , territorial waters: 166,9km ²). Maritime Spatial Plan will include the whole area of Slovenian waters.
7.5 Provide details on how your country addressed the land-sea interactions issue.	In article 3 of the Legislative Decree 17/10/2016 n. 201, land-sea interactions are defined.	The ratification of ICZM Protocol is on going (pending by Hellenic Parliament).	The Croatian system of spatial planning comprises both land and sea areas.	Slovenia has not formally adopted a Strategy for Integrated Coastal Zone Management.

The **Directive 2014/89/EU**, establishing a framework for maritime spatial planning, has been transposed in the legislations of Italy, Croatia and Slovenia. In the case of Greece, in December 2016, the draft law "Maritime Spatial Planning. Harmonization with Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014" has been launched in public consultation but until now its approval by the Hellenic Parliament is pending.

Concerning the identification of the **maritime areas**, for which maritime spatial plans should be defined;

Three maritime areas have been selected for Italy which are connected to the main sub regions developed within the marine strategy (art. 4 Directive 2008/56/UE):

- Western Mediterranean Sea;
- Adriatic Sea;
- Ionic Sea and Central-Western Mediterranean Sea.

Maritime spatial plans should be defined for each marine sub-region as well.

In the case of Greece, the marine areas have not been officially identified. But as pointed out by the draft law transposing the MSP Directive, MSPs will be of a 2 level approach:

- A National spatial planning strategy for the marine space, as part of the national spatial planning strategy,
- Maritime spatial plans at sub-national level (regional/subregional/interregional)

For Croatia, PPA determines the sea areas: the internal sea water and the territorial sea of the Republic of Croatia (including the associated airspace, seabed and subsoil), the protected ecological and fishing zone of the Republic of Croatia (ZERP) and the continental shelf of the Republic of Croatia.

For Slovenia, the marine areas have not been defined, since Slovenian territorial sea is limited in size. Maritime Spatial Plan will include the whole area of Slovenian internal/territorial waters.

8. Transboundary issues

Italy

The main transboundary issues include sectors like maritime tourism, transportation, shipping, energy production, fishing activities, and extraction of non-living resources.

Greece

Definition of limits/borders (international, national, administrative etc), so that jurisdictions in the marine space can become clear.
Continuity and compatibility of spatial plans in cross border areas.
International energy networks and maritime transportation networks.
Pollution deriving from anthropogenic activities (and potential accute pollution events)
Resource overexploitation (living or non-living) resulting in territorial inequalities among cross boarder areas and professionals.
Inefficient ecosystem reservation resulting in great loss of ecosystem services, affecting all sides.

Croatia

The most important trans-boundary issues and concerns are: environmental effects of industry, shipping, fisheries, tourism, marine litter and transportation of oil vessels which makes the Adriatic the most vulnerable areas in the Mediterranean.

Slovenia

Maritime transport (Ballast waters, Underwater noise)
Marine litter

Taking into consideration the fact that transboundary is a blurred terminology it can include different levels of interaction. First of all, transboundary methodology doesn't strictly reflect transnational or cross-border methodology. The main needs are: recommendation and general guidelines on the procedural steps to follow for the development of cross-border MSP, including a common understanding of the ecosystem-services based approach; consider the diversities in implementation and approaches of the different countries; indicate possible paths towards an operational methodological coherence at basin scale; put in evidence strengths, weaknesses and bottlenecks at a shared level; development of a shared methodological framework. Moreover, at basin scale a common database to support the consideration of cross-border issues is necessary, as well as improving emphasis on communication, including setting aside time for dealing with institutional and cultural differences. Gaining and maintaining stakeholder participation is an asset. It should be necessary, for a common final objective to have an integrated approach.

References

SUPREME Country Fiche of Italy

SUPREME Country Fiche of Greece

SUPREME Country Fiche of Croatia

SUPREME Country Fiche of Slovenia