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## **NATIONAL POLITICS AND EU POLITICS: THE MARITIME SPATIAL PLANNING AND INTEGRATED COASTAL ZONE MANAGEMENT IN THE ADRIATIC AND IONIAN REGION**

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The legal regime on Adriatic and Ionian basins results from various forms of international cooperation, which was developed during the time and articulated not always in a coordinated manner, through the sector-specific rules, autonomous policies. These factors evidently compromise a good degree of systemic coherence in the overall management of activities in this basin, concerning in particular transport, trade, port and coastal industry, fishing, aquaculture and, increasingly, marine research, renewable energy, technology, innovation and resource exploitation.

The continuous development of these activities, that are common to the majority of European seas and not only to Adriatic and Ionian Seas, led the EU to adopt the so called Integrated Maritime Policy, which was presented by the Commission in October 2007 (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “An Integrated Maritime Policy for the European Union”, COM(2007) 575 final, 10 July 2007). The Commission has in fact recently begun to warn of the need to develop and implement forms of maritime governance for integrated, coordinated and common management of water, in order to identify and exploit potential synergies between all EU policies affecting the oceans, seas, coastal regions and maritime sectors.

In this view, the Integrated Maritime Policy promotes a cross-sectoral approach to the maritime *governance*, based on the recognition that all matters relating to Europe's oceans and seas are interlinked, and on the opportunity to develop and implement an integrated, coherent, and joined-up decision-making in relation to the oceans, seas, coastal regions and maritime sectors.

This inter-sectoral approach justifies and found an action at the EU level: actually, the EU's Integrated Maritime Policy has no explicit legal basis in the Treaty. However, it covers many EU sectoral policies with a bearing on the seas and coasts such as fisheries, freedom, security and justice, transport, industry, territorial cohesion, research, environment, energy, and tourism (see European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing a Programme to support the further development of an Integrated Maritime Policy, COM(2010) 494 final, 29 September 2010).

The absence of an expressed competence connotes and characterizes all the EU Integrated Maritime Policy and profoundly affects the definition of the articulation of the relationship between national policies and EU policies. The action at EU level stems from the cross-sectoral and trans-national nature of the activities involved and synergies among sectoral policies. The purpose is to develop a

comprehensive strategy for growth and sustainability for the oceans, seas, coastal regions and cross-cutting elements of the maritime sectors (COM(2010) 494 final, cited above, para. 3).

This feature involves in particular the principles of the Maritime Spatial Planning (MSP) and Integrated Coastal Zone Management (ICZM), that represent specific instruments of the EU maritime policy, since they promote the integrated use all the potential offered by the sea, with the aim of composing and reconciling economic growth and environmental protection; national interests and the biological integrity of seas and oceans. Actually, these processes have a significant impact in the context of Adriatic and Ionian Region.

A definition of Maritime Spatial Planning is proposed by the recent Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning.

In the light of Art. 3, para. 2, ‘maritime spatial planning’ means “a process by which the relevant Member State’s authorities analyse and organise human activities in marine areas to achieve ecological, economic and social objectives”.

The Directive 2014/89/EU is the result of complex negotiations, characterized by widely divergent positions from the Member States (see, in this light, the emblematic position of French Government, *Contribution des Autorités françaises dans le cadre de la consultation publique de la Commission européenne concernant la planification spatiale maritime et la gestion intégrée des zones côtières*, July 2011).

This Directive recognises in one hand that the Member States remain responsible and competent for designing and determining, within their marine waters, the format and content of such plans, including institutional arrangements and, where applicable, any apportionment of maritime space to different activities and uses respectively. Art. 5, para. 1, cites that “this Directive is without prejudice to the competence of Member States to determine how the different objectives are reflected and weighted in their maritime spatial plan or plans”.

At the same time and in the other hand, the Directive identifies the maritime spatial planning as a cross-cutting policy tool enabling public authorities and stake holders to apply a coordinated, integrated and trans-boundary approach. The application of an ecosystem-based approach will contribute to promoting the sustainable development and growth of the maritime and coastal economies and the sustainable use of marine and coastal resources” (Directive 2014/89/EU, para. 3).

In conformity with the subsidiarity principle set out in Art. 5 TEU, the Commission explains that the added value of EU Action is first of all to ensure and streamline Member State action on maritime spatial planning and integrated coastal management to guarantee consistent and coherent implementation across the EU, through to a common legal framework and uniform references and legal standards.

Secondly, the EU action in this field enable a better co-operation on maritime spatial planning and integrated coastal management between Member States that share marine regions and sub-regions, like Adriatic and Ionian Region. The cross-border co-operation in this field is essential to safeguard of marine ecosystems,

fishing grounds, marine protected areas as well as maritime infrastructures, such as cables, pipelines, shipping lanes, oil, gas and wind installations, running across national borders (see European Commission, Proposal for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management, COM(2013) 133 final, 13 March 2013).

Maritime spatial plans and integrated coastal management strategies also leads to apply, thirdly, an ecosystem-based approach to facilitate the co-existence and prevent conflicts between competing sector activities in marine waters and coastal zones.

The added values of a common approach at EU level take on a special importance in particular with specific reference to the Adriatic and Ionian basins, because all the coastal States of the region are full members of the EU, with the exception of Montenegro and Albania (which are still candidates Countries) and Bosnia-Herzegovina (which is a potential candidate Country): in view of their accession, policies relating to the management of the whole area would fall entirely within the scope of EU law and thus it is evident that the governance of this regional basin constitutes a strategic interest for the EU and it is in this context even more obvious the strong need to rely on a common framework at EU level to support the cooperation between States in the MSP.

This indeed is also the perspective adopted by the directive of 2014, which, in Article 11, encourages the cooperation in the framework of specific strategies for sea basins, such as the Strategy for the Adriatic and Ionian Region, recently realized by the Communication of the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions concerning the European Union Strategy for the Adriatic and Ionian Region, COM (2014)357 final, 17 June 2014, following the model provided by the Baltic Sea Region (see Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions concerning the European Union Strategy for the Baltic Sea Region, COM(2009) 248 final).

It is also important to ensure a certain degree of consistency in planning terrestrial and maritime space, including for the management of the specific area of transition between land and sea represented by the coastal areas and in this perspective is relevant integrated coastal management, which form the "hinge" between maritime and terrestrial development.

Objective of ICZM is indeed to create a general framework to fully exploit the potential of the coastal zone as a whole, through the development of environmental, industrial, economic and all other policies and instruments that affect the coastal regions. Although the specific object of reference is different (coastal vs marine areas), it is clear that there is profound affinity between the two policies (especially for involving the same parties). Hence the need to ensure coherence between the two instruments. The Commission had indeed initially proposed the adoption of a sole Directive on both institutions. Actually the Directive 2014/89, which refers exclusively to the PSM, contains a simple and

mere reference to ICZM, calling on Member States to promote coherence between the two processes.

Moreover, the variety of features of sea basins, on which the EU faces, requires the adoption of a regional approach, specifically to implement the MSP at the level of individual basins, to the need to take into proper account the specific characteristics of each sea basin. In this views, there is the regional approach to the Arctic (“The European Union and the Arctic region”, COM(2008) 763 final, 20 November 2008) and to the Mediterranean (“An integrated maritime policy for better governance in the Mediterranean”, COM (2009) 466 final, 11 September 2009) and, in particular, the establishment of the Macro-Region in the Baltic Sea (COM(2009) 248 final and COM(2012) 128 final), in the Adriatic Ionic Basin (COM(2014) 357 final).

Among the pillars identified as a priority by the Commission in the Strategy for the Adriatic and Ionian in its Communication (COM(2014) 357), a pillar is specifically dedicated to “Blue Growth” (para. 3.1): it aims to improve the administrative and institutional capacities, services and governance, including the sharing of data, shared and coordinated planning of existing resources, through, among the others, MSP and ICZM.

The States bordering the Adriatic and Ionian Seas are however already engaged in a varied dynamic cross-border cooperation, in part due to the EU, in part based on different and independent initiatives, as precisely the Adriatic and Ionian Initiative (AII), in accordance with international obligations, in particular the UNCLOS, which requires to increasing of forms of cooperation between coastal States bordering on semi-enclosed basins.

Actually, some important experiences of integration have been realized in various forms: through independent initiatives, or between regional and local administrations of different States, and they have realized a fine combination of public and private (see, in this perspective, *Handbook on Integrated Maritime Spatial Planning, Experience Tools & Instruments Case Studies*, from the INTERREG III B CADSES PlanCoast Project). These initiatives are characterized by a high degree of specialization, but are held on heterogeneous levels of cooperation, without any real coordination.

EU initiatives affecting the Adriatic and the Ionian, such as the recent Directive 2014/89 on the PSM and the creation of the Adriatic and Ionian Region, of which the Communication (2014) 357, may contribute, in this perspective, to reduce the existing fragmentation and to ensure, even through the diversification of the available tools, a greater degree of coordination and convergence, between governance models experimented at the national and EU level.