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EFFICIENTN2K



Natura 2000 Biogeographical Process in the Marine Regions

Surveillance and Enforcement Institutional and Legal Framework Analysis

EFFICIENTN2K, Matea Špika

Split, 26.3.2024.



Italy – Croatia



Pilot areas

- Areas that are exclusively part of the ecological network and areas enjoying some of the categories of protected areas (e.g., national park, nature park, etc.).
- Special Reserve Bay of Mali Ston and Malo More, significant landscape Pakleni islands, Kornati National Park, Telašćica Nature Park, significant landscape Northwestern part of Dugi Otok – Sakarun Bay.
- Management plans have been developed for selected areas (including a detailed analysis of values and threats).



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Pressures

PRESSURES	Bay of Mali Ston and Malo more	Pakleni ISLANDS	Kornati	Telašćica	NW part of Dugi Otok – Sakarun Bay
Marine litter	✓	✓	✓	✓	✓
Fishing	✓	✓	✓	✓	
Free anchoring		✓	✓	✓	✓
Land-based waste	✓			✓	✓
Concrete and shoreline filling	✓	✓		✓	
Invasive alien species	✓	✓	✓		
Climate change	✓	✓	✓		
Visitation from land				✓	✓
Uncontrolled construction in the coastal zone					✓
Light pollution				✓	





Anchoring – maritime sector

- Regulated by several sectors – maritime affairs, spatial planning, environmental protection, nature protection, water management and tourism.
- The strategic framework of the maritime sector primarily refers to wastewater pollution, rather than habitat damage due to free anchoring.
- Legal framework includes:
 - ✓ **Maritime Code** (OG 19/04, 76/07, 146/08, 61/11, 56/13, 26/15, 12/19) – safety of navigation (which includes anchoring) and the protection of natural marine resources and the marine environment.
 - ✓ **Maritime Domain and Sea Ports Act** (OG 83/23) – the management of maritime domain in protected areas.





Anchoring – maritime sector

- **Maritime Code:**
 - ✓ For safety reasons and prevention of threats to biological/landscape diversity, the minister can prohibit navigation.
 - ✓ Waterways and relevant separate traffic can be established in protected areas with the consent of the ministry responsible for nature protection.
- **The Ordinance on the conditions and manner of maintaining order in ports and other parts of the internal sea waters and the territorial sea of the Republic of Croatia (OG 72/2021)**
 - ✓ Anchoring is allowed everywhere where it is not prohibited (marked on nautical maps).
 - ✓ Anchoring is allowed everywhere where it does not interfere with the safety of navigation, endanger human lives, property and marine environment.
 - ✓ Anchoring is banned around organised bathing areas .



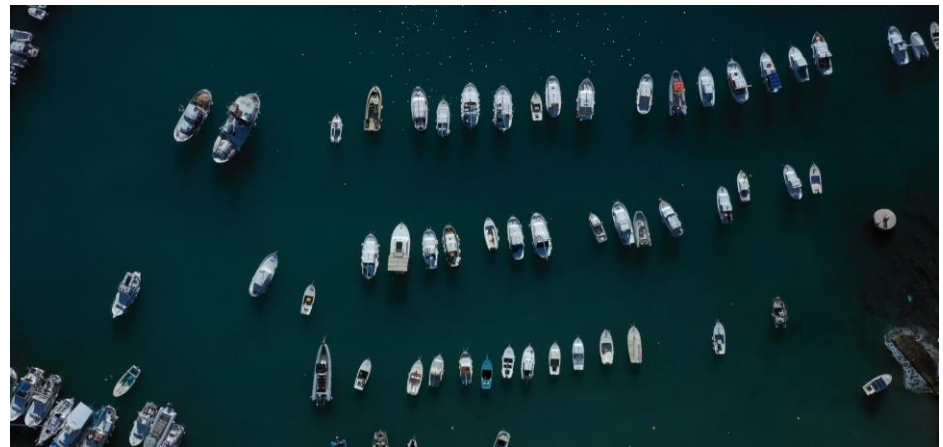
Anchoring – maritime sector

- **The Ordinance on the Safety of Maritime Navigation in the Internal Sea Waters and the Territorial Sea of the Republic of Croatia and the Manner and Conditions of Performing Supervision and Management of Maritime Traffic (79/13, 140/14 and 57/15)**
 - ✓ Regulates distance from coast for navigation, restrictions of navigation in narrow channel, near underwater cables and pipelines...
 - ✓ No anchoring ban above posidonia meadows or reefs.
 - ✓ But, (new) Ordinance mentions that when navigating through national and nature parks, one must compile with maritime conditions and possible restrictions of protected area (mechanism for PI to regulate navigation and thus anchoring).
 - ✓ Also introduces a provision that port authority can prohibit or limit anchoring in a certain area for all or individual vessels depending on the length and spatial/temporal organization of navigation (mechanism for regulation of anchoring over sensitive areas).



Anchoring – maritime sector

- ✓ It is evident that mechanisms for limiting anchoring above sensitive habitats exist in the provisions of the maritime sector.
- ✓ But as the Maritime Code primarily refers to navigation safety, these mechanisms have not been used in practice.



Anchoring – maritime sector

- **Maritime Domain and Sea Ports Act** (OG 83/23)
 - Integral approach to spatial planning.
 - Planning and construction on the maritime domain must be carried out in such a way that doesn't affect areas with high conservation value (habitats and species), regardless of whether that area is protected by law.
 - Defines ecological damage (can degradation of posidonia meadows due to anchoring be considered as ecological damage?)

Any damage to the environment and nature caused by pollution or destruction of the coast and undersea (the sea and the flora and fauna in the sea and on the seashore), as well as any deterioration of the landscape, any destruction of the original structure of the sea, seashore and ecosystem which, if it had not been interrupted would have resulted in the growth and multiplication of natural wealth as a common good.





Anchoring – maritime sector

- **Maritime Domain and Sea Ports Act** (OG 83/23)
 - **Natural anchorage** is a part of the sea with completely preserved natural characteristics, outside the protected areas, used for safe anchoring, marked on nautical charts and official maritime publications. It is in general use and anchoring cannot be charged.
 - Above means that there are no natural sea anchorages in protected areas, which can be interpreted as enabling the nature protection sector to regulate anchorages.
 - **Nautical anchorage** is a part of the sea equipped with anchoring devices, and it is used through a concession in accordance with the Maritime Domain and Sea Ports Act.





Anchoring – maritime sector

- **Maritime Domain and Sea Ports Act**

- Management with maritime domain has been entrusted to public institutions (obliged to protect the general use of maritime domain, prevent illegal actions and devastation).
- Management Plan for maritime domain (prior approval of body responsible for spatial planning, public consultation, approval by council, consent of county and port authority).
- Public tender for granting permits on the maritime domain on the basis of the Plan.
- Decision on maritime order on the maritime domain within the protected area - measures for maintaining order (rangers).
- Concession on the maritime domain (PA public institutions exempt from paying the fee).





Anchoring – spatial planning

- **Strategic framework** - emphasized the conflict of interests between certain categories of users, lack of an integral development approach, permanent loss of valuable natural areas due to increased pressure, the need to regulate anchoring and install mooring sites in protected areas.
- **Spatial plans** are places where anchoring can and should be regulated.
- Wide range of approaches are visible (spatial plans adopted over a long period of time, limited capacities of the relevant services, lack of cooperation between different sectors, stricter regulations concerning nature protection after joining EU, no targeted changes of spatial plans related to this).





Anchoring – spatial planning

- **The Spatial Planning Act** defines adoption of spatial plans for areas of special characteristics for national and nature parks.
- Spatial plans of areas of special characteristics and county spatial plans regulate anchoring.
- In the process of adopting spatial planning documents and acts, MMPI determines the conditions for navigation safety and grant consent (maritime study).
- Local level spatial plans have to have detailed position of all spatial elements, including mooring sites.
- Mooring sites need location permit (special conditions issued by MMPI and the competent county department for environmental protection, consent of the port authority regarding the safety of navigation).



Anchoring – spatial planning

- **Telašćica Nature Park Spatial Plan** clearly regulates anchoring, determines mooring sites locations (15) in accordance with the study that will determine locations and capacities (planned within the Spatial Plan).
- **Split-Dalmatia County Spatial Plan** – Anchorage Study includes the analysis of navigational, meteorological, technical and traffic features, maritime safety measures, Natura 2000 habitat map, recommendation for organization of mooring sites. The location, size and maximum capacity will be determined by the Spatial Plan on local level based on Anchorage Arrangement Plan for Split – Dalmatia County.



Anchoring – nature/environment protection

- **Strategic framework:** Sustainable Development Strategy (pressure from tourism, but more on wastewater), National Marine and Coastal Strategy (nautical tourism, mooring sites, illegal anchoring), Watershed Management Plan (sea grasses have high priority).
- **Nature Protection Act:** In protected areas it is prohibited to anchor vessels outside the places specified by the spatial plan and act issued by state body responsible for navigation.



Anchoring – nature/environment protection

- **Ordinance on Protection and Conservation of the Telašćica Nature Park** (OG 8/22) – ban of anchoring after mooring sites are established and published in nautical maps (prior regulation of mooring sites in spatial plan).
- **Management plans** (for pilot sites) address anchoring as a main threat to posidonia meadows, include conservation measures (ensure enough ecological mooring sites, anchoring ban over posidonia meadows and reefs...)
- These measures will be listed in the **Ordinance on conservation objectives and measures** for target species and habitats in the areas of ecological network.



Wastewater from boats – maritime sector

- Regulated through maritime domain legal framework.
- **MARPOL Convention** (International Convention on the Prevention of Pollution from Ships) – foresees general ban of discharges from boats into the sea, conditions under which some type of waste can be discharged, prescribes the provision of appropriate devices in ports.
- In Croatian legal framework the subject of wastewater discharges from boats is dealt primarily with **Maritime Code** (and the regulations adopted on its basis), and to a lesser extent with the **Maritime Domain and Sea Ports Act**.
- Black (fecal) and gray (household) wastewaters.
- Boats can empty their tanks only where receiving devices are places (obliged to hand over all waste to the port reception facilities).
- The inspection work is performed by the inspection on navigation safety of the Ministry and port authorities.



Wastewater from boats – maritime sector

- Concessionaires for nautical moorings are obliged to collect municipal waste from boats at the mooring sites.
- Port authorities and concessionaires are obliged to ensure that the port is equipped with equipment and devices for the separate reception of waste.
- Plan for the reception and handling with waste (adopted by June 2024, port authorities monitor the implementation of the plan).
- By-laws adopted based on the Maritime Code, on the one hand, prescribe the conditions for ports (**Ordinance on the conditions and manner of maintaining order in ports and other parts of the internal and territorial sea**), and on the other hand, the conditions for vessels (**Regulations on ships, boats and yachts**).
- In conclusion, it should be emphasized that today's regulations prohibit any discharge of wastewater from vessels into the sea, but practice shows that the situation on the ground does not correspond to what is prescribed (no infrastructure in ports/marinas).



Wastewater from boats – nature/environment protection

- **Strategic framework:** The Strategy for Sustainable Development (separate section refers to protection of the Adriatic), The National Marine and Coastal Strategy (analyses cases of sea pollution), Watershed Management Plan (environmental protection measures related to the reduction of harmful impacts from maritime traffic).
- **Watershed Management Plan** estimates that the amount of generated wastewater ranges between 0.04 and 0.45 m³ per day per person (0.01 to 0.06 m³ is probably "black water,,).
- **Intervention plan for sudden sea pollution** – everybody is obliged to report on pollution if noticed (good mechanism for surveillance).
- The state takes all appropriate measures to prevent, reduce and suppress pollution of marine/coastal area in accordance with the **Environmental Protection Act** and special regulations.
- A key provision of the **Water Act** (OG 66/19, 84/21, 47/23) is that wastewater from vessels may not be discharged into the waters.





Wastewater from boats – spatial planning and tourism

- **Spatial planning** concerns wastewater from vessels primarily through spatial plans of areas of special characteristics as discharge of sanitary water is prohibited.
- **Sustainable Tourism Development Strategy** (2030) – puts special attention to waste management and pollution prevention.
- **Tourism Law** (OG 156/23) does not recognize the issue of wastewater from vessels, but foresees investments in nautical and charter tourism based on environmental protection, quality marinas and other infrastructure to reduce pollution.



Fishing

- Regulation of fishing is possible only through the **Fishery Act** (regardless of whether the area is protected by Nature Protection Act).
- The Act mentions special reserve, national and nature parks.
- Recognizes the possibility of developing special ordinances because of sustainability measures (spatial restrictions, time limitations...).
- **The Ordinance on Fishing in Protected Areas, Special Habitats and Areas with Special Fishing Regulations (OG 125/2020)** regulates in national parks (general form), special ichthyological reserve (Delta Neretva, Pantan), nature parks Telascica and Lastovo (in specific form), special reserve Limski zaljev and Malostonski zaljev i Malo more (in specific form).
- The Ordinance introduces 2 „new“ categories (special habitat, areas of the fishing sea with special regulation of fishing).
- **Ordinance on a special fishing management regime in part of the waters of Jabuka basin (OG 106/19, 141/20)**





Fishing

- **Regulations on sport and recreational fishing** prescribes permits for sport and recreational fishing, records of sold permits, permitted fishing tools, their quantity and characteristics, minimum sizes of fish and other marine organisms, catch labeling...
- **Ordinance on the protection and preservation of the Telašćica Nature Park** (OG 8/22) – additionally regulates fishing within the Park, prohibits sport fishing, prohibits all types in fishing within Sub-Zone 1A and 1B.
- PP Telašćica additionally regulates the number and price of permits in accordance with the **Decision on the prices of individual categories of licenses for recreational fishing**.
- **Management plans** (for pilot sites) recognize fishing as a pressure on values of protected areas and Natura 2000 sites.



Italy – Croatia



Institutions and their capacities – public institutions

- Annual Programs of Protection, Maintenance, Preservation, Promotion and Use of PA (2020 - 2022).
- Total number of rangers is 191(2023).
- National/nature parks 132 rangers (19 PIs) vs. local/county PI 59 rangers (26 PIs).

	Glavni čuvar	Čuvari
JU NP Brijuni	√	12
JU NP Kornati	√	5
JU NP Mljet	√	9
JU PP Telašćica	√	5
JU PP Lastovsko otočje	√	5
JU Lokrum	√	7
JU Kamenjak		6
JU Dubrovačko-neretvanska županija	√	/
JU Splitsko-dalmatinska županija	√	6
JU Šibensko-kninska županija		2
JU Zadarska županija	√	2
JU Primorsko-goranska županija	√	1
JU Istarska županija		6
UKUPNO	10/13	66

Institutions and their capacities – public institutions

Public institution	Number of rangers (2023)	Area (ha)	Area per ranger
NP Brijuni	13	3,400.5	261.57
NP Mljet	10	5,289.8	528.98
NP Kornati	6	21,571.1	3,595.19
PP Lastovo	6	19,572.1	3,262.02
PP Telašćica	6	7,011.7	1,168.62
PRŠV Lokrum	7	70.6	10.09
ZK Kamenjak	6	856.0	142.67



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Institutions and their capacities – public institutions

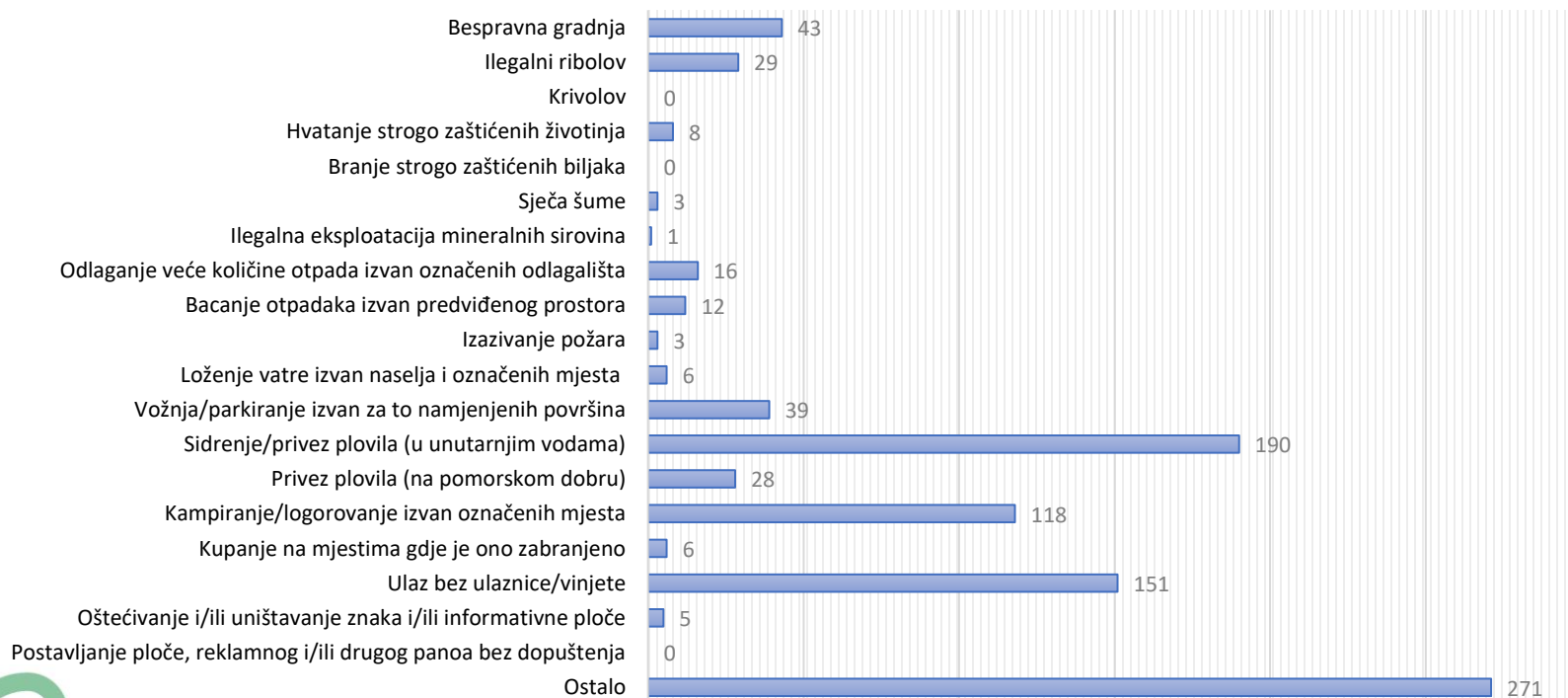
Public institution	Number of rangers (2023)	Average annual number of surveillance	Average annual number of surveillance per ranger	Average number of recorded violations (annual)	% of recorded violations in the total number of surveillance
NP Brijuni	13	730	56	108	14.8%
NP Mljet	10	367	37	28	7.7%
NP Kornati	6	230	38	24	10.4%
PP Lastovo	6	360	60	7	1.9%
PP Telašćica	6	101	17	9	8.6%
PRŠV Lokrum	7	365	52	0	0.0%
ZK Kamenjak	6	403	67	26	6.5%





Institutions and their capacities – public institutions

Total number of recorded violations 2020 - 2022



Institutions and their capacities – public institutions

Public institution	Number of rangers (2023)	Number of PA	Natura 2000 sites
JU SDŽ	7	39	148
JU IŽ	6	28	56
JU ZŽ	3	12	83
JU PGŽ	2	26	111
JU ŠKŽ	2	7	56
JU DNŽ	1	35	71



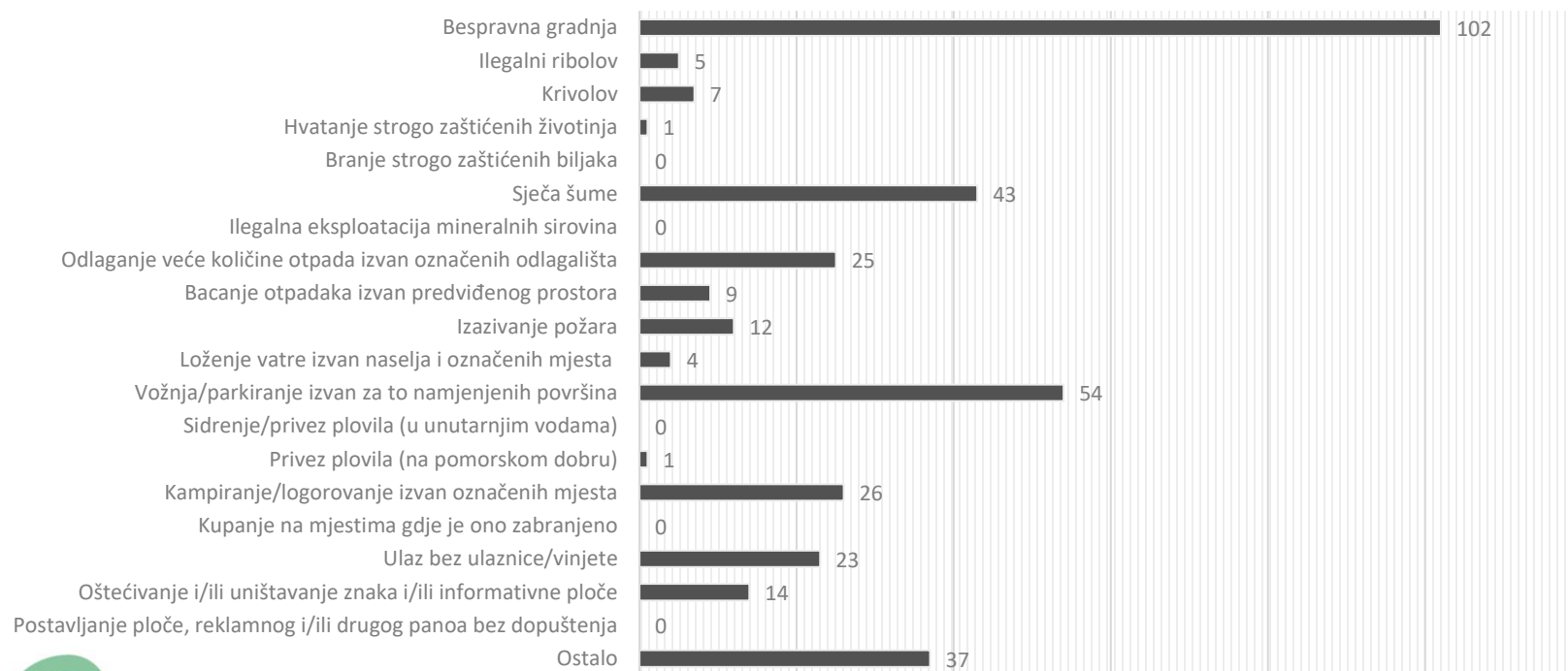
Institutions and their capacities – public institutions

Public institution	Number of rangers (2023)	Average number of surveillance (2020 – 2022)	Average number of surveillance per ranger (annual)	Average number of recorded violations (annual)	% of recorded violations in the total number of surveillance
JU SDŽ	7	187	27	51	27.3%
JU IŽ	6	211	35	38	18.2%
JU ZŽ	3	168	56	34	20.2%
JU PGŽ	2	99	49	0	0.0%
JU ŠKŽ	2	191	95	14	7.2%
JU DNŽ	1	73	73	6	8.6%



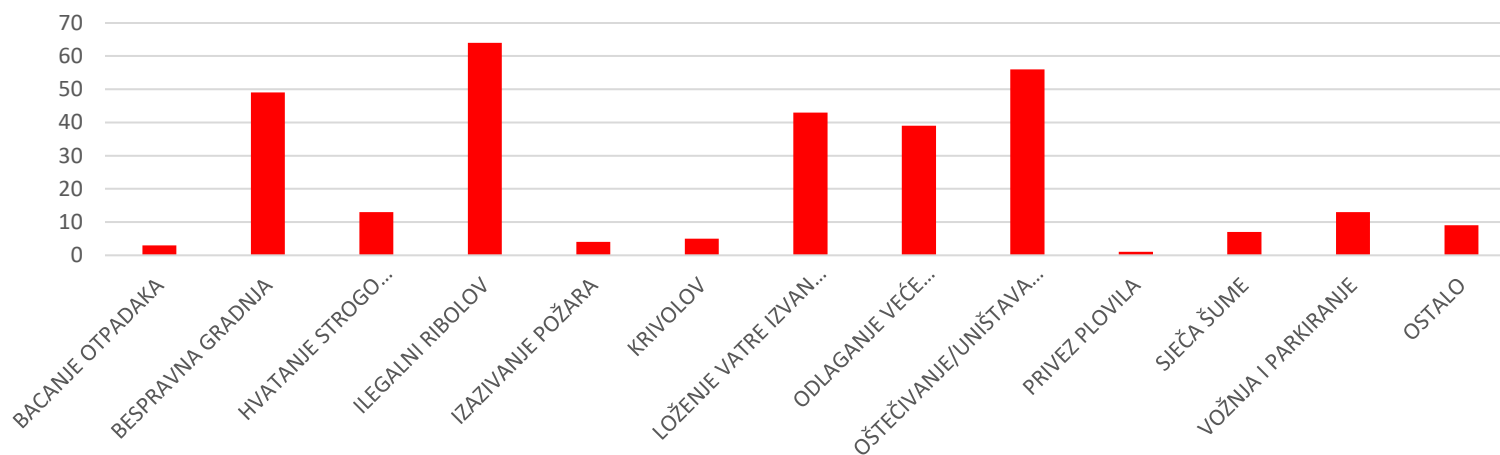
Institutions and their capacities – public institutions

Total number of recorded violations 2020 - 2022



Institutions and their capacities – public institutions

Pregled svih prosljeđenih prekrašaja (2020. - 2022.)



Institutions and their capacities – Nature protection inspection

- Part of the State Inspectorate (Sector for environmental protection, nature protection and water management, 41 employees in 2022).
- Annual report on the work of the State Inspectorate.
- 1,551 inspection activities in 2022 , of which 93 were coordinated inspections (1,699/36 in 2021).
- In project pilot sites there were 37 „land“ inspections (2020 – 2022).

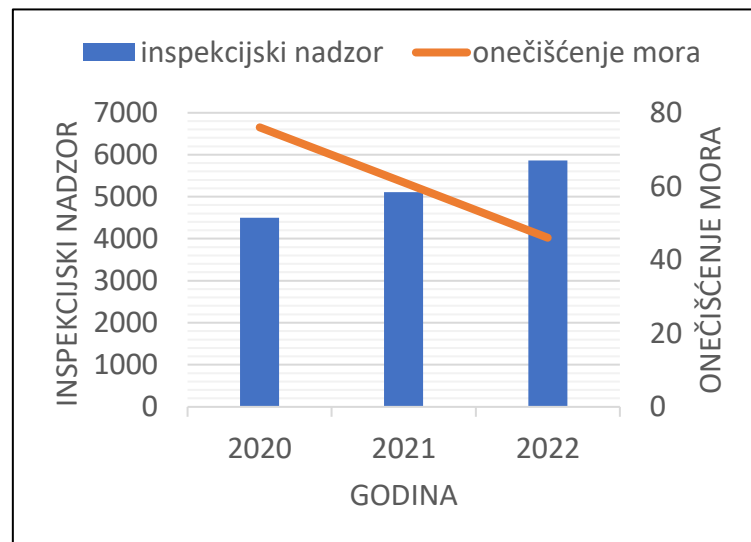


Source: Clinical Leader, 2019.



Institutions and their capacities – Inspection of the Ministry of Sea, Traffic and Infrastructure

- Navigation Safety Inspectors (17 within the Administration and port authorities)
- Authorized Employees of the Navigation Safety Administration (105 in port authorities).
- Authority for inspection tasks can be transfer to police and coast guard.
- No proceedings of offender in pilot sites related to pollution and anchoring.
- No coordinated inspection related to pollution and anchoring.
- 46 sea pollution in 2022 (10 from vessels, 21 from land sources, and 15 unknown).



Institutions and their capacities – Fishery inspection

- 31 fisheries inspectors.
- 21 authorized employees of Min. of Finance, 22 of Coast Guard, 177 of Police.
- In protected areas: 5 NP Mljet, 6 NP Kornati, 9 NP Brijuni, 5 Lastovo, 6 Telašćica.
- Fisheries inspection in total had 6494 inspections in the period 2020 – 2022 (inspectors and authorized employees).
- 7 identified violations in marine protected areas (no info on locations).



Source: morski.hr

Institutions and their capacities – The Central Coordination

- The Central Coordination for Surveillance and Protection of Rights and Interests of Croatia at Sea (Min. of Defence, Maritime Affairs, Internal Affairs, Marine Fisheries, Economy, Finance, Foreign Affairs, Culture and Justice, State Administration for Protection and Rescue, State Inspectorate - 17 inspections).
- In total, 946 employees involved in 2021 (17 boats, 115 smaller boats, 8 aircraft and 12 drones).
- In 2021, they carried out a total of 401 joint actions (monitored 2,396 vessels).
- 471 measures were taken, mostly in July and August (32 administrative measures, 7 indictments, 140 misdemeanor orders, 111 mandatory misdemeanor orders, 32 warnings, 103 reports/official notes, 48 fines, 1 criminal complaint).
- Confiscated 1 piece of large fishing gear, 12 pieces of hooks, 14,560 m of nets and 820 traps (vrše).
- The Directorate for Fisheries has the largest number of measures taken (36.7%).
- Total financial costs HRK 1,678,866.39 (89.2% fuel costs).





Bottlenecks – consultation process

- Relatively good legislative framework regarding surveillance in PA, but unclear for Natura 2000 sites.
- Surveillance and enforcement is currently inefficient.
- Very different opinions about competence of rangers (can they act in Natura 2000 sites? Is it on them or sectoral inspections?).
- It is evident that there are great differences in the interpretation and understanding of the legislative related to rangers.
- Overlapping competence of rangers and inspectors.
- New laws regarding Maritime Domain and Fishery brought new competence for rangers (new obligations and uncertainties).





Bottlenecks – consultation process

- Surveillance is more challenging for PI on county level (and on the sea).
- Capacities and motivation of rangers (different profiles, level of education, underpayment...).
- Their work includes many other activities (entrance tickets, transport), moving their focus from surveillance.
- Minor violations (parking fines, camping, etc.) which don't have a major impact on area values.
- Small local communities (rangers and offenders belong to the same).
- Lack of capacities and knowledge connected to procedures (legal framework, target species and habitats), cooperation.
- Lack of comprehensive database of surveillance within PI (reflected in Annual reports of PIs)
- Presence on the field is important.





Bottlenecks – consultation process

- Inspections – low capacities, not equipped for enforcement on the sea.
- Police and courts– low capacities and motivation, not high on their priority, not educated for the theme of nature protection.
- Cases on courts – statute-barred, small fines (no deterrent effect)...
- No information sharing between all those involved in enforcement chain.
- Example of good practice – cooperation between nature protection, customs and police regarding CITES Convention, as well as coordinated inspections.
- The role of NGO – networking, advocates cooperation and systemic changes, educational workshops...





Bottlenecks – consultation process

- Anchoring – problem of overlapping of authority (navigation security and nature protection), non-compliance of spatial plans, current lack of infrastructure (to be able to regulate free anchoring).
- Wastewater from vessels – no infrastructure for reception of wastewater, no awareness of tourists, challenge to control it, are grey tank covered with regulations?
- Fishery – illegal fishing is present, no strict protection in place (establishment of no – take zones), competence of rangers, cooperation in surveillance/enforcement.



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