



**Consultative Workshop
on Draft Protocol on Integrated Management of
Mediterranean Coastal Zones**
(Torregrande-Oristano, Italy, June 24-25, 2005)

REPORT

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of Consultative Workshop on Draft Protocol on Integrated Management of Mediterranean Coastal Zones

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Background information

1. The first step in the consultation process for the preparation of the new legal instrument on coastal zone management for the Mediterranean that started after the Feasibility Study for the ICAM Protocol was completed, presented and approved by the Contracting Parties (Catania November 2003) was a Regional Stakeholders' Forum "Integrated Coastal Management in the Mediterranean: Towards Regional Protocol". It was held in Cagliari, Sardinia on May 28 - 29, 2004. The Forum was attended by 200 representatives of various stakeholder groups, including the Ministries for the Environment, Physical Planning, Tourism, Infrastructure, Public Works and Development; local and regional coastal authorities; international organisations; scientific community; NGOs; professional associations; financial institutions; experts; and alike. The participants gave PAP/RAC valuable suggestions and recommendations to draft the Protocol.

2. At the meeting that took place on October 1-2, 2004 in Split, the Working Group was established to prepare the text of the ICAM Protocol, composed of five legal and technical experts. The meeting discussed the structure and the contents of the Protocol, its 'road map', possible obstacles, as well as experiences with other MAP Protocols. By mid-December 2004 the first draft was prepared. The second meeting of the Working Group to prepare the text of the ICAM Protocol was held in Athens on January 4-5, 2005 where the Protocol was presented in its draft form. Legal and technical experts, as well as representatives of MEDU, discussed the general structure of the draft Protocol and made comments and suggestions on the contents of individual articles and provisions. By February 2005, the Working Group had prepared the second version of the draft Protocol. This improved version was discussed at the third meeting of the Working Group that took place on February 17-18, in Paris. Soon after that meeting, the third version of draft text of the Protocol, together with the Commentary text, explaining individual articles, was prepared. Both texts had been translated to English by mid April. The draft Protocol was presented and discussed at the Joint Meeting of the Focal Points of BP/RAC, ERS/RAC and PAP/RAC in Nice (May 12-15, 2005).

3. Before presenting the final draft of the ICAM Protocol to the Contracting Parties at their Ordinary Meeting in November 2005 in Portoroz, Slovenia a few more consultative steps are to take place. The first one was the consultative workshop held in Torregrande-Oristano (Italy); than the Bureau will discuss the draft text at its meeting in Brussels on June 30, 2005; and MAP Focal Points Meeting will discuss the text in September 2005 in Athens.

4. The principal organiser was the Priority Actions Programme Regional Activity Centre (PAP/RAC) of MAP.

5. The meeting was held in the premises of the IMC - International Marine Centre, Torregrande, Sardinia, Italy, from June 24 to 25, 2005. It was organised with the support and assistance of the Autonomous Region of Sardinia, the Province of Oristano, Municipality of Cabras, the IMC - International Marine Centre, the Institute of Marine Sciences, SIL - Oristano and the Protected Marine Area of Sinis Mal di Ventre.

Participation

6. The workshop was attended by 47 participants from 14 countries and the EU, all the Contracting Parties to the Barcelona Convention. These were the following: Albania, Bosnia and Herzegovina, Croatia, Egypt, France, Israel, Italy, Lebanon, Morocco, Serbia and Montenegro, Slovenia, Syria, Tunisia and Turkey. Present were also representatives of the Region of

Sardinia, the Province of Oristano, the IMC - International Marine Centre, the Institute of Marine Sciences, the Protected Marine Area of Sinis Mal di Ventre, all from Sardinia, the University of Venice, MEDU and ERS/RAC. A complete list of participants is attached as Annex I to this report.

Agenda item 1: Opening of the meeting and welcome speeches

7. Mr. Ivica Trumbic, PAP/RAC Director, opened the workshop and warmly welcomed the participants. He stressed the importance of this workshop as a very important step in the consultation process for the preparation of the ICAM Protocol for the Mediterranean. He stressed the fact that for PAP/RAC the process of drafting a new Protocol was one of its crucial tasks and that all effort was put in negotiations which should be transparent and organised in an open atmosphere. He thanked the local and regional partners for their support and contribution to the success of the workshop.

8. Mr. Renato Covacci, General Director of IMC, welcomed the participants and wished them a fruitful work in the premises of his centre. He stressed the importance of this project, which would contribute to a better quality of life for the future generations and for the sound management of coastal zones.

Agenda item 2: General introduction to the Protocol

9. Mr. I. Trumbic gave an introductory speech to the workshop, and in the beginning underlined that currently we were not yet at the point of official negotiation stage of the Protocol text but at the consultation stage with experts and various institutions in order to improve the text, and get various views and ideas about the viability of the draft Protocol. All this was requested by the Contracting Parties meeting in Catania in 2003. He explained the whole process, various steps in drafting the Protocol until the last meeting when the draft text was presented, i.e. the Joint Meeting of the BP, ERS and PAP RAC Focal Points in Nice in May 2005. The next formal meeting would be the Bureau, which was scheduled for the following week, and the MAP FPs meeting in September. He invited the participants to be open and to express their views and opinions so as to assist PAP/RAC in preparing the most balanced text possible. Also, he underlined that the meeting was not considered as very formal, expressing formal positions of the governments, but rather as an expert one where participants were mostly lawyers and spatial planners from various administration levels. The outputs of this meeting would be included in the text later, after the MAP FPs meeting if so decided. Then, he introduced the agenda, which was adopted by the meeting. The agenda is contained in Annex II of this report.

10. Ms. Tatjana Hema, MAP Programme Officer, addressed the meeting on behalf of MEDU and of the MAP Co-ordinator, Mr. Paul Mifsud, who was unable to participate but would give all his efforts for the preparation of the Protocol. She said that the present draft text was a very good basis for discussion, and that it would be presented to the Contracting Parties at their next meeting in November in Portoroz, Slovenia. There, it is expected that a decision will be taken to start an official negotiation process with the governmentally designated experts that would have a particular mandate to prepare the final text of the Protocol. At least two meetings of the designated experts would be needed, to be followed by a diplomatic conference to adopt the Protocol. She stressed the fact that MAP was aware of the hard work still to be done in order to reach consensus, especially because there is not only the Ministry of Environment of a country to negotiate the text but the whole range of ministries which should be involved in the negotiation process, as well as local and regional authorities. In her opinion the Protocol could be adopted by 2007.

11. Mr. I. Trumbic introduced the main issues related to coastal zone management in the Mediterranean, in particular trends and results of the Feasibility Study that preceded the drafting of the Protocol. Among the major trends the population growth was shown as the main catalyst

of urban sprawl and urbanisation, in addition to tourism which creates many other environmental and spatial problems. There exist many problem areas, such as polluted areas and coastal risk areas, and many unsustainable uses of coastal resources persist. In the continuation he elaborated on the main MAP milestones in the development of ICAM, from its initial phase, establishment of PAP/RAC, CAMP projects, guidelines on ICAM, and the MCS D recommendations for coastal zone management where the regional legal instrument for ICAM was first mentioned. Also, the White Paper and the Feasibility Study for the legal instrument in the Mediterranean were important documents that contributed to the current draft Protocol text. With the explanation of the main results and proposals from the Feasibility Study and the structure of the present draft Protocol, he concluded his presentation.

Agenda item 3: Presentation of and discussion on the draft Protocol: Preamble and Part I

12. Messrs. M. Prieur and T. Scovazzi presented the introductory chapter of the Protocol, i.e. the Preamble and the Part I. In short, the former gives an explanation why there is a need for the Protocol. It is short in order to focus on the main reasons to justify the need for a protocol, refers to the problems in coastal areas, consequences of trends and therefore shows a need for action. It was stressed that it was not about a protocol for the protection of the coastal zones but a protocol to support sustainable development and therefore includes all three components, social, economic and environmental. Integration at various scales, across sectors and institutions was a key word for integrated management, he underlined. General provisions, included in Part I, consist of the following four Articles, which were briefly introduced, in particular the one on the geographical coverage:

- Article 1: Objective of the Protocol
- Article 2: Definitions
- Article 3: Geographical coverage
- Article 4: Preservation of rights

13. In the discussion that ensued the following comments and suggestions were provided by the participants:

- In the Preamble Agenda 21 (Johannesburg summit) should be included as an important element in the Preamble as it defines the global context (political and other) in which the Protocol was prepared, and is also important for the interpretation of this legal instrument.
- Article 1
It should be emphasised that the Protocol is about the establishment of a legal framework, therefore a word "legal" should be added before the word "framework".
- Article 2
e) "Coastal zone":
To base the definition of the coastal zone on geomorphology was felt to be a rather narrow concept. A coastal ecosystem could be a more appropriate term. Some discrepancy was felt in relation to Article 3 para.1/b where the landward limit is based on local administrative units only, although in the para.2 the possibility is left to the countries to use other criteria, such as ecosystem approach.

f) "integrated coastal zone management":
ICZM is an institutional process also, so it should appear in the definition.

It was proposed that a definition of the "public" and of the "other actors involved" should be included as a definition, too.

- Article 3

Various proposals were made, mainly related to the landward limits of the coastal zone:

 - To use the EU Eurostat classification for defining the landward limit of the coastal zone, such as NUT3; however this approach is not used in non-EU countries of the Mediterranean.
 - The landward limits based on local administrative units could be in some cases too narrow, so possibility to allow for regional/provincial (i.e. sub-national) or national level, and river basin or ecosystem approach could be considered. However, it was also felt that local administrative units are the ones that are directly involved with coastal zone management and that it could otherwise take too long to apply it if delegated from the national level.
 - There was also an opinion that "coastal administrative units" would be too broad a concept as it would include areas many kilometres inland, beyond the relevance to coastal issues. 100 m limit was proposed as obligatory, and countries could be flexible to go beyond.
 - A combination of the ecosystem (scientific) and administrative principle when defining the coastal zone could be the best solution.
 - In any case the article leaves a lot of flexibility to countries to define the most appropriate geographical coverage. The para.2 gives the minimum standard so that some common criteria are applicable for all countries. If it were too flexible, it could create problems. Unbalances are possible such as in the case of one country that would define its coastal zone on the river basin approach and the other which would define only a very narrow strip.
 - The added value of this particular Protocol is also in defining more precisely the coastal zones, which are mentioned generally also in the Barcelona Convention and the other MAP Protocols.

- Article 4

It was suggested to move the para.3 to the Final Provisions.

Agenda item 4: Presentation of and discussion on the draft Protocol: Part II

14. Mr. M. Prieur introduced the Part II on Principles and elements of integrated coastal zone management of the draft Protocol, which consists of the following nine articles:

- Article 5: General principles and objectives of integrated management
- Article 6: Institutional co-ordination
- Article 7: Protection and use of the coastal zone
- Article 8: Economic activities
- Article 9: Specific coastal ecosystems
- Article 10: Coastal erosion
- Article 11: Cultural heritage
- Article 12: Participation
- Article 13: Awareness-raising, training, education and research

15. Participant provided the meeting with the following comments:

- Article 5

As an additional principle, a principle of participation was suggested to be added, although this would mean a repetition, as this principle is one of the main ones in the Barcelona Convention itself.

All levels of authority, i.e. local, regional and national, should be referred to where appropriate, i.e. para.1/b, para.1/c.

In para. 1/a: the word "consideration" was proposed to be used instead of "perception".

In para. 1/g delete "to a minimum" and put "as far as possible".

In para.1/j in addition to local population a mention of others (e.g. tourists, foreigners etc.) should be made.

It would be good to split principles and objectives, and add some more objectives

Para.5/e seems to be redundant as another article mentions sustainable development.

In h) "professional activities" should be defined.

- Article 6

It would be more appropriate to shift this article to the institutional part of the Protocol.

In para. 1 "appropriate mechanisms and bodies" should be put instead of "appropriate bodies".

In para.3 word "may be" should be replaced by "shall be".

In para.4 "work and put together" should be put instead of "work together".

Some doubts were raised about the binding requirements for the establishment of appropriate bodies. Also, it was proposed that the existing institutions/bodies should be used to avoid creation of new ones for this purpose, and to avoid the risk that such an institution has too many competencies.

- Article 7

In a) the highest winter waterline is used as a criterion, but this does not take into account future processes, such as sea level rise, and coastal erosion. Exceptions should be allowed to be decided by each country as for 100m belt. It is also not clear what can be constructed just after that line of 100m. It could happen that high buildings were erected just on that line and the problem would in that case not be solved. In many cases coast is very narrow due to geomorphology, which would require a more flexible approach.

It was suggested to put "establish for the future", instead of "establish".

The word prohibited in b) seems too strict, maybe "strictly regulated" could be used.

In c) the provision seems to be a bit too rigid, and should allow for exceptions. And "along the coast" is not clear enough, needs clarification.

The term "landscape" should be better described by using "natural and cultural landscape".

- Article 8

When elaborating on rules for the economic activities, a word "measures of management" should be used instead, and the building sector should be mentioned, too.

In 1, also sub-soil should be added.

In 3.a) "sustainable tourism" could be used instead of "ecological and rural tourism", because other sorts of alternative tourism exist, such as balneaire, cultural, etc.

In 4, in relation to mineral extraction, quarries should be mentioned as an important issue.

So, excavation of sediments was proposed to be added.

In 6.a) a softer language is suggested to allow discretion of local authorities.

Co-ordination of activities based on rules could be difficult, as objectives of sectors are often contradicting/competing, therefore collaboration is essential.

- Article 9

In addition to the existing specific coastal ecosystems, river basins could also be mentioned.

In para.2 it was suggested to mention also "deltas", in addition to estuaries and wetlands.

In para.4 beaches should be added.

Rehabilitation of degraded specific ecosystems should be taken into consideration.

- Article 10

Instead of "All activities" in para.2, it was suggested to put "All future activities".

- Article 11

If underwater cultural heritage is well managed than its exploitation should be allowed, of course excluding exploitation for private commercial gain, selling, and alike. So, in para.4 instead of "commercially exploited", it was proposed to use "may not be sold".

- Article 12
When speaking about participation, a wider concept should be used so as to include access to information and access to justice.

Agenda item 5: Presentation of and discussion on the draft Protocol: Part III

16. Mr. M. Prieur shortly explained the meaning of the provisions related to Part III on Instruments for integrated coastal zone management consisted of the following six articles:

- Article 14: Observatories, inventories and networks
- Article 15: Mediterranean Strategy for Integrated Coastal Zone Management
- Article 16: National coastal strategies, plans and programmes
- Article 17: Environmental assessments
- Article 18: Land ownership
- Article 19: Economic and financial instruments

17. In the discussion that followed the participants expressed their opinions, which are summarised as follows:

- Article 14
The idea of "networks" was insufficiently clear enough, as well as the detail of national inventories envisaged in para.1.
It is not clear enough what sort of data are to be shared.
- Article 15
It should be added that this is going to be a framework Strategy. It was clarified that the Strategy envisaged by the Protocol would not be a Strategy on how to implement the Protocol, and it will be more specific than the MSSD, where coastal zone is just one of the sub-sections. In any case, the two would be complementary.
- Article 16
Relate national coastal strategies, plans and programmes with existing country's spatial planning documents, so as to avoid creation of new documents. In the case of island regions it was proposed that the preparation and implementation of coastal strategies, plans and programmes should be left to regions.
- Article 19
More stress should be put on supporting local communities, and also to think of possible transfer of experience between North and South in this domain.

Agenda item 6: Presentation of and discussion on the draft Protocol: Part IV

18. Mr. J. Juste introduced Part IV on International co-operation that consists of six articles, which are as follows:

- Article 20: Training and research
- Article 21: Scientific and technical assistance
- Article 22: Exchange of information and demonstration projects
- Article 23: Natural disasters

- Article 24: Transboundary co-operation
- Article 25: Transboundary impact studies and strategic assessments

19. The following comments are summarised as a result of the discussion on this Part of the draft Protocol:

- Article 21
Cleaner production technologies should be added.
- Article 22
In the English text, instead of "environmentally friendly technologies", "environmentally sound technologies" should be used, as in Article 21. Obligation to provide information should be included.
- Article 23
Areas at risk or vulnerable areas should be firstly identified at the Mediterranean level and then adequate actions taken. The civil defence systems in some countries regulate these issues and should be taken into account.
It was proposed that industrial accidents should be added. However, it was suggested not to widen this article to disasters that are not specific to coastal zones.
- Articles 24 and 25
Consultations between the countries could be sometimes problematic, so further consideration of these articles should be made.
Many issues from these articles are regulated by other international conventions and they should not be specifically mentioned here. What this Protocol should refer to are principles. Also, it is not clear how "the polluter pays principle" is going to be implemented, as well as for compensations.
It was felt that quite a lot of task and burden is put on the Centre when transboundary co-operation is in question.

Agenda item 7: Presentation of and discussion on the draft Protocol: Parts V and VI

20. Mr. J. Juste presented the Part V on Institutional provisions of the draft Protocol, composed of four articles, which are the following:

- Article 26: Focal Points
- Article 27: Reports and monitoring
- Article 28: Institutional arrangements
- Article 29: Meetings of the Parties
- and Mr. T. Scovazzi introduced the Part VI on Final provisions made of three articles:
 - Article 30: Relations with the Convention
 - Article 31: Relations with third parties
 - Article 32: Final provisions

21. Participants' interventions are summarised as follows:

- Article 26
PAP/RAC Focal Points could play the role of the FPs for this Protocol. However, it was suggested that there should be more FPs nominated for specific elements of the Protocol.
- Article 27
Instead of the title Reports and monitoring, the title should read Reports and compliance. However, the issue of compliance seems to be a much wider concept than just reporting to which other MAP Protocols refer.

- Article 28
In the first sentence is not clear weather it is about co-operation with countries or NGOs.
- Article 29
The extraordinary meetings of the CPs are not envisaged.
- Article 30
The Rules of procedure are not defined, therefore some rules of procedure and financial rules, based on other MAP Protocols, were suggested to be added.
- Article 31
In the English text the title should read Relationship with Third Parties instead of Relations. Para.2 seems to be too ambitious, and should be made more precise. It was suggested to delete para.2 as this Protocol does not apply to high sea.

Agenda item 8: Presentations regarding the assessment of the applicability of the Protocol at the national level in the Mediterranean

22. Prior to the workshop PAP/RAC prepared a set of questions to facilitate the early screening test in order to get some practical information on how the Protocol would assist countries in dealing with environmental and development problems in coastal zones, the possible shortcomings, bottlenecks and difficulties in its implementation, as well as suggestions for improvements. Out of 14 countries present, participants from 13 countries prepared answers to the Early Screening Test. Some of the most relevant and innovative provisions were selected from the draft Protocol for which answers were sought from a practical point of view, i.e. in case that they were applied. The replies were submitted and presented by Albania, Croatia, Egypt, France, Israel, Italy, Lebanon, Morocco, Serbia and Montenegro, Slovenia, Syria, Tunisia and Turkey. Comments and suggestions derived from these contributions and from the presentations at the workshop were summarised and will be presented to the MAP FPs at their meeting in September 2005. The Early Screening Test and complete answers provided by the participants are contained in Annex III.

Agenda item 9: Review of the situation relevant to coastal area planning in the Region of Sardinia and presentation of the results of the early screening test from Sardinia

23. Ms. Paola Cannas from the Spatial Planning Division of the Region of Sardinia gave an introductory speech. Prior to her presentation of the spatial planning system and characteristics of coastal zone issues in Sardinia she showed a short film focusing on the landscape characteristics of Sardinian coastal areas, beaches and the tourist development patterns. She continued by presenting the system of landscape and territorial planning in Sardinia and the role these plans have in coastal zone management.

24. Mr. Giovanni Carta, the Region of Sardinia, presented answers to an Early Screening Test from the point of view of the Region of Sardinia. He referred to the existing regulations in the island, and in relation to the definition of coastal zone he mentioned a 300m limit landward where construction is forbidden and another 2000m temporary limit also forbidding any new construction to enable protection of coastal ecosystems and planning of a new model of sustainable tourism development. With regard to coastal management strategy the region would prefer its implementation to be left to regional and not to national level, as well as to be linked with the existing landscape plans for the coastal areas. He mentioned a specific issue related to the region of Sardinia, which is the existence of military facilities and a need to rehabilitate areas after abandonment, as well as, and more importantly, to put in place environmental control and monitoring of still active military areas, mainly due to problems of inaccessibility, pollution risks

and alike. Complete answers to the Early Screening Test provided by the Region of Sardinia are contained in Annex IV.

25. In the discussion that followed three main issues were raised: co-operation between national and regional-level authorities in the case of Italy when coastal zone management is in question; co-ordination of issues between tourism and military uses; and the definition of coastal zones. With regard to the latter, the region would prefer to have some flexibility in order to combine administrative and landscape units when defining coastal zone. The former two issues were clarified in addition to what had already been said during the presentations.

Agenda item 10: Conclusions and recommendations

26. On the basis of the very fruitful discussions and presentations of national views, Mr. I. Trumbic explained that all those proposals and suggestions for the improvement of the draft Protocol were not legally binding but would be discussed and taken into consideration by the group of experts when preparing the final draft of the Protocol to be presented to the Contracting Parties in November 2005 in Portoroz, Slovenia. A more formal position and guideline on how and at what stage to integrate these proposals and comments into an improved text version will be done by the MAP Focal Points at their meeting in September 2005.

Agenda item 11: Closure of the workshop

27. Mr. I. Trumbic thanked all the participants for their very valuable inputs and the comments they provided during the workshop, especially to those who contributed with their written answers to the Early Screening Test and presentations. He expressed his gratitude to the Region of Sardinia, the Province of Oristano, the Municipality of Cabras, SIL - Oristano and the Protected Marine Area of Sinis Mal di Ventre, as well as the IMC for their support in organising and hosting this very important meeting. Finally, he thanked PAP/RAC staff for their effort, as well as the interpreters for their excellent work.

28. The workshop was closed on June 25, 2005 at 13:00 hours.

ANNEX I

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ANNEX II

Agenda

Friday, June 24

- 09:00 - 10:30
- Registration of participants
 - Opening of the meeting
 - Welcome addresses
 - General introduction to the Protocol (I. Trumbic)
- 11:00 - 13:30
- Presentation of and discussion on the draft Protocol: Preamble and Part I (M. Prieur and T. Scovazzi)
 - Presentation of and discussion on the draft Protocol: Part II (M. Prieur)
- 14:30 - 16:00
- Presentation of and discussion on the draft Protocol: Part III (M. Prieur)
- 16:15 - 18:00
- Presentation of and discussion on the draft Protocol: Part IV (J. Juste)
 - Presentation of and discussion on the draft Protocol: Parts V and VI (J. Juste, T. Scovazzi)

Saturday, June 25

- 09:00 - 10:30
- Presentations regarding the assessment of the applicability of the Protocol at the national level in the Mediterranean (10 min each)
- 10:45 - 13:30
- Review of the situation relevant to coastal area planning in the Region of Sardinia, and presentation of the results of the early screening test for the applicability of ICAM Protocol in the case of Sardinia
 - Discussion among the international and Sardinian experts
 - Conclusions and recommendations
- 13:30
- Closure of the Workshop

ANNEX III

The Early Screening Test and complete answers provided by participants

A. Early Screening Test on some specific provisions of the draft Protocol on the integrated management of Mediterranean coastal zones

INTRODUCTION

Mediterranean Action Plan is in a process of drafting a Protocol on integrated management of coastal zones. The purpose of this Protocol is to establish a common framework for the integrated management of the Mediterranean coastal zone and to strengthen regional co-operation for this purpose. According to the decision adopted at the 13th Ordinary meeting of the Contracting Parties (CPs) in November 2003 a draft text of this legal instrument should be presented to the next meeting of the CPs in November 2005. The preparation of the draft Protocol is co-ordinated by PAP/RAC and by now a first draft has been prepared and presented at the Focal Points Meeting in Nice 12-15 May 2005. There, it was suggested that, in order to improve the draft and to facilitate the consultation process, countries should be asked to look at the text from a point of view of the practical application of the protocol as proposed at the county level, i.e. in the context of existing legal framework and practice.

To this end, a set of questions has been prepared to facilitate the early screening test in order to get some practical information on how the Protocol would assist countries in dealing with environmental/development problems in coastal zones, the possible shortcomings, bottlenecks and difficulties in its implementation, as well as suggestions for improvements. The results will be considered as an expert opinion, based on your knowledge and experience and not as a governmental position. **Results of the test will be presented at the Regional consultative expert workshop to be held in Oristano (Italy) on 24-25 June 2005** and will provide valuable information on implementability of the Protocol.

Prior to the workshop we would like to make an analysis of the results, therefore we are kindly asking you to **submit your answers by 17 June at the latest** to the following e-mail: marko.prem@ppa.htnet.hr.

QUESTIONS

Some of the most relevant and innovative provisions have been selected from the draft Protocol for which we would kindly ask you to answer from a practical point of view, i.e. if they were applied in your country.

1. In Article 3 the geographical coverage of the Protocol is given. Would you opt for the following definition of coastal zone: "the seaward limit of the coastal zone shall be the external limit of the territorial waters of States Parties; the landward limit of the coastal zone shall be the territorial limit of local coastal administrative units" or a more flexible approach would be preferable for your country? Could you show a schematic map to illustrate the coastal zone in your country and give the arguments for such a decision?

2. Institutional co-ordination is currently one of the main obstacles in many countries when the implementation of coastal zone management principles is in question. Would establishment of a body that should secure better co-ordination between the various maritime and land authorities in the different administrative services competent in coastal zones be feasible (see Article 6)?

3. Parties shall ensure that the utilisation of the coastal zone is such as to preserve the integrity of coastal natural habitats, landscapes, natural resources and ecosystems (Article 7).

Do you find a land fringe of not less than [100 metres] where building is not permitted an appropriate one and why? What is your opinion regarding other rules, such as to limit the linear extension of urban/transport development along the coast? Is a free access of pedestrians to the sea guaranteed in your country?

4. What is the relevance of the following economic activities in your coastal zone: agriculture and industry; shellfish production, aquaculture and fishing; tourism and sporting and recreational activities; utilisation of natural resources; energy, and ports, maritime infrastructure and works? Do you find the proposed rules (Article 8) to guide these activities specific enough? What kind of obstacles or difficulties can you foresee in implementing them?

5. Participation of stakeholders and public in general in a decision making process is of utmost importance. Article 12 envisages solution in this direction. From the point of view of your country institutional arrangements and political system in general, would the implementation of this provision create some difficulties? How is (if this is the case) the public participation regulated in your country? A simple diagram would be a good solution to present this item.

6. The Parties shall establish observatories and prepare and regularly update national inventories of coastal zones, according to Article 14. What is your opinion about this idea?

7. Would the Mediterranean Strategy for Integrated Coastal Zone Management (ICZM), as envisaged in Article 15, contribute to solutions for national strategies of this kind? Which elements would you expect to get as an input for the national strategy from this regional instrument?

8. Do the legal provisions in your country (such as a spatial planning legislation, sectoral laws; such as fishery, transport, nature protection, agriculture, urban development, etc.) provide for some specific attention regarding the coastal zones? What do you think about a preparation of compulsory national strategy for ICZM and coastal implementation plans and programmes (see Article 16)? How would they relate to spatial plans in your country? Could they be separate/integrated with the existing spatial planning/development instruments?

9. Are environmental assessments (EIA, SEA) already legally binding in your country? Do you think that a specific sensitivity of coastal zone in these studies is considered to a satisfactory level?

10. Regulation of the land ownership varies substantially between the Mediterranean countries. With a view to ensuring the preservation of areas that are not urbanised and allowing public access for purposes of recreation and leisure, the Article 18 proposes that countries shall adopt mechanisms for the acquisition of land for public ownership, the cession to public domain and the control of any new urban development, and that countries may impose easements on properties. Is this already regulated by any of the existing legal provisions in your country? What would the introduction of these instruments mean for your country?

11. Implementation of national coastal strategies, plans and programmes requires relevant financial and economic instruments. According to Article 19 countries will be obliged to adopt these instruments. Is this solution favourable for your country? Please, give some pro and contra arguments. What instruments do you have in your country?

12. According to the institutional arrangements and existing obligations for international co-operation in your country, would there be some difficulties to co-ordinate your national coastal strategies, plans and programmes for the management of coastal zones with neighbouring countries (Article 24)? What about the assessment of the transboundary environmental impact of activities, plans and programmes if these are likely to cause a significant adverse effect to the coastal zones of other States (Article 25)?

13. Can you give a general indication (%) on how many of the proposed provisions in the draft Protocol are already in place in your country?

14. Please, add any other comments, suggestions, remarks.

Thank you very much, indeed, for your co-operation.

B. Answers to an Early Screening Test prepared by the country representatives:

1. Albania
2. Croatia
3. Egypt
4. France
5. Israel
6. Italy
7. Lebanon
8. Morocco
9. Serbia and Montenegro
10. Slovenia
11. Syria
12. Tunisia
13. Turkey

ALBANIA
EARLY SCREENING LIST; by Ms. Alma Bako

1. Geographical coverage of the Protocol

Article 3
Geographical coverage

Comments:

Regarding geographical coverage it is necessary to be more concentrated towards environmental concept: ecosystem approach or ecological coastal zone. Probably is necessary to define a belt with very strict protection rules (ecological coastal zone), except that one of 100 m, the width to be discussed but can vary in specific cases (any important ecosystem). That's why we think that debate should be concentrated towards this issue. In these terms is necessary to discuss the coastal administrative units also, related to ecosystem approach. In cases when any coastal ecosystem e.g. river mouth and river bed with specific important features which include more than one coastal administrative unit (inland administrative unit which need to be considered), or issues related to any ecosystem belonging to more than one coastal administrative unit.

2. Institutional co-ordination

Article 6
Institutional co-ordination

Comments:

The establishment of a body to provide better co-ordination seems to be a very important issue, mostly regarding involvement of both maritime and land authorities. At the same time, very important is also the establishment of a body at national level and close collaboration with local authorities too. To be solved are issues like competencies of such body/bodies, in order to avoid overlaps, gaps, better co-ordination regarding management of coastal areas and decision making process in order to provide a real integrated coastal zone management.

3. Utilisation of the coastal zone

Article 7
Protection and use of the coastal zone

Comments:

According to Albanian "Planning" law:

The building is not permitted in a land fringe wide 250-300 metres except specific cases related to:

- planning;
- economic;
- topographic issues.

This kind of definition leads to different interpretations and is a reality now in Albania. That's why is important to define a very strict

According to "Planning" law, the roads should be constructed not less 2000 metres from the coastline.

The possibility of negative impacts in cases of linear extensions is more evident in sandy beaches where except negative impacts in landscape, nature, etc., erosion is problematic. Strict rules regarding new roads along the coast are important, but in cases of rocky shores, specific rules are needed and where there are a lot of limitations and contradicts (the need of some roads by one side and difficulties to construct according to precise rules by the other one). According to "Planning" law, pedestrian roads have to provide access of tourists and visitors towards coastline and tourism development areas.

4. Proposed rules guide these activities specific enough?

Article 8 Economic activities

Comments:

First is necessary to mention that all these activities are important and unavoidable in the coastal area. In order to provide sustainable development of the coastal area, policies, plans, strategies of agriculture, industryetc. all these activities have to be subject of SEA and EIA, related to specific conditions of every country except general issues mentioned under this article.

According to Protocol on Strategic Environmental Assessment of ESPOO Convention on EIA in Transboundary Context

Each Party shall ensure that a strategic environmental assessment is carried out for plans and programmes which are likely to have significant environmental, including health, effects.

A strategic environmental assessment shall be carried out for plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use, and which set the framework for future development consent for projects listed inand any other project listed in that requires an environmental impact assessment under national legislation.

The text is mentioned above just to give an idea how we can use such instruments which can have more space and need to be specified according to our objectives in Article 17 (or any annex to this Protocol).

5. Public participation

Article 12 Participation

Comments:

More is needed regarding participation. We consider very important references towards AARHUS Convention and Protocol on Strategic Environmental Assessment which based on AARHUS Convention developed specific issues regarding public participation in EIA/SEA.

e.g.

Each Party shall ensure early, timely and effective opportunities for public participation, when all options are open, in the strategic environmental assessment of plans and programmes. Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.

Each Party shall ensure that the public concerned, including relevant non governmental organizations, is identified...

Each Party shall ensure that the public referred to in paragraphhas the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.

Each Party shall ensure that the detailed arrangements for informing the public and consulting the public concerned are determined and made publicly available.

The most important issue of Albanian EIA law is the role of public in the EIA process. Public participation is an open process for national and local organs, public, NGO-s, the obligation for consultation with authorities that provide construction and operational permit, national and local authorities and their duties and responsibilities in this process.

To be mentioned too, is the public debate. The project and the EIA report shall undergo a public debate with the participation of the ministry that provides the permit, territory planning and tourism authorities, local government authorities, specialized institutions, public interested, NGO-s, proponent, developer, etc. debate shall be organized and directed by the local government authorities where the project will be implemented.

The EIA and decision making process is open for interested parties, including states in cases of transboundary impacts. MoE informs and provides equal opportunities for all interested parties. All decisions will be known by public. (Albanian "Environmental Protection" law).

To be mentioned is also the fact that Albania ratified Aarhus Convention on 26. 10.2000. A very important document is the recent Decission of Council of Ministers, dated 23.06.2005 "On the approval of Strategy and Action Plan for the implementation of Aarhus Convention".

6. National inventories of coastal zones

Article 14 Observatories, inventories and networks

Comments:

We fully agree with this idea, but we have to establish appropriate (common ????) methodologies, structures, capacities, effective national network and regional one etc.

7. Contributions to the solutions for national strategies

Article 15 Mediterranean Strategy for Integrated Coastal Zone Management

Comments:

For the moment we can say that the Strategy may contribute to the solutions for the national strategy. Probably at a later stage we may be able to say more in this regard.

8. Preparation of compulsory national strategy for ICZM and coastal implementation of plans and programmes

Article 16 National coastal strategies, plans and programmes

Comments:

Different issues regarding coastal zone are part of Albanian legislation. Environmental laws:

- On environmental protection
- On protected areas
- On the protection of the marine environment from pollution and damages
- On air protection from pollution
- On the environmental management of solid wastes
- On environmental impact assessment
- On the environmental management of wastewaters
- On the protection of transboundary lakes
- etc.

and sectoral ones such as “Planning” law, “Water resources”, “Fishery and aquaculture” etc. Although a very good legal framework exists and there are some specific attentions regarding coastal zone, we think that more is needed in this regard. This is the reason why we agree with the ideas expressed in this Article.

9. Are EIA, SEA legally binding instruments

Comments:

EIA and SEA are legally binding instruments in Albania. To be mentioned are: “Environmental protection” law, “Environmental impact assessment” law and a group of Decisions of the Council of Ministers which facilitate the implementation of these laws.

Albania is Party to the ESPOO Convention on EIA in a Transboundary Context since 1991, ratified by the Republic of Albania in October 1991.

The Council of Ministers of Albania, on 15.05.2003, approved the Protocol on Strategic Environmental Protection, which is signed in Kiev, on 21.05.2003. Ministry of Environment is preparing the necessary documentation in order to ratify the Protocol on Strategic Environmental Assessment.

According to Albanian environmental legislation, sector strategies, national action plans, etc. shall be formulated in compliance with principles and priorities of the national environmental strategy, while strategies, plans and programs for development of the economy and its branches at the national and local level shall ensure integration of the requirements for protection of environment, in compliance with the national environmental strategy.

Regarding Strategic Environmental Assessment, according to new legislation, strategies and action plans on energy, mining, industry, transport, agriculture, forestry, management of natural resources, waste management, territory planning at national and local level (urban, rural, industrial, protected areas, tourism development) are subject to strategic environmental assessment.

A very important element is the environmental declaration, provided by the Ministry of Environment for strategies, plans etc. which approves or does not approve the strategy, plan etc. If the environmental declaration is negative, the strategy, plan should not be approved by respective decision making bodies. If it approves strategy or plan, the approval by respective decision making bodies (construction, operation permit), should be done in compliance with environmental declaration and environmental protection law.

Although SEA and EIA are legally binding instruments, and a lot is done in this regard, we can not say that everything goes smoothly and without problems.

10. Ownership issues

Article 18 Land ownership

Comments:

Taking into account the problems that we already have regarding land ownership, we consider very important the introduction of these instruments. Of course this will lead to the adoption of specific national mechanisms. For example in the law "On protected areas" are defined very well the rights, responsibilities and obligations of owners and users of protected areas (most of them are in the coastal area). The adoption of mechanisms is needed to be done for both protected (to be preserved from improper developments) and other areas in the coastal zone that are not developed and urbanised yet.

11. Financial and economic instruments

Article 19 Economic and financial instruments

Comments:

The solution proposed is favourable for our country. There are some tariffs for cleaning and sewage waters (general, not specific for coastal area) and a specific charge for renting land for tourism development purposes in coastal area.

Financial and economic instruments are considered very important. Although very difficult to be adopted, we will take the necessary measures to adopt such instruments. The most important issue is the use of a part of them in favour of integrated management of coastal zone.

12. Co-operation and transboundary issues

Article 24 Transboundary co-operation

Comments:

In Article 24, in cases of transboundary co-operation, Parties can directly co-ordinate their national coastal....., but in every case they have to inform the Centre.

We don't think that would be difficulties in this regard. Except the special commitment shown in the strengthening of the bilateral cooperation with the neighboring countries signing the Memorandums of Understandings, the homologue ministries of environment have promoted regional cooperation through a number of regional projects. At the same way, the cooperation between neighboring countries can be extended successfully even regarding national coastal plans, programs for the management of coastal zone.

Article 25

Transboundary impact studies and strategic assessments

Comments:

Article 25, contains all necessary elements, but need to be reviewed carefully in order to include the most important issues, probably is necessary to consider any annex to the Protocol, because most of the economic activities mentioned in Article 8, may have significant transboundary impacts in general and in sensitive areas like coastal area, need some criteria and some specific arrangements to be done.

Other comments:

Regarding the purpose of Protocol, we suggest Objective(s) (or purpose and objectives separately in two different articles), probably the most important objectives mentioned in article 5, because Article 1, as it stands, doesn't mean to much, or more than the name of the Protocol itself. A very important objective (except those very important mentioned in the Protocol which definitely need to be ranked first) should be provision of public participation during the whole process, including decision making too.

We suggest also an Article regarding General provisions, or probably considering Article 4 with some other important elements.

In Article 17, some relations are needed in regards of Article 8, because except the general rules to be taken into consideration, the activities mentioned in Article 8, in specific conditions of every Party (State) may have significant environmental effects and are subject to strategic environmental assessment and environmental impact assessment. It is necessary to introduce concept of strategic environmental assessment for plans, programmes and environmental impact assessment of different projects.... Probably, Article 17 needs some arrangements in this regard.

The importance of ICAM Protocol

First Albania supports the initiative to draft ICAM Protocol and congratulates the working group for the efforts to draft such important document.

Although there is a very good legal framework in Albania regarding coastal area (environmental laws and other sectoral ones), there is not a specific law on coastal area which lead to some gaps and overlaps. At the same time, although there are a lot of strategies, plans and programs such as NEAP, Environmental Strategy, Biodiversity Strategy and Action Plan, CZM Plan, and other sectoral ones such as Water Strategy, Tourism Development Strategy etc., we think that this Protocol will be very important and necessary and we fully support it. As far as we are in the process of drafting and reviewing different laws (which will be followed by specific national bylaws after the ratification of this Protocol) and the coastal area is becoming more and more important in a real need for careful attention, we are willing to contribute in order to finalise the ICAM Protocol as soon as possible, making it a very important national legal instrument.

CROATIA

EARLY SCREENING TEST; by Ms. Marijana Mance and Ms. Gordana Valcic

1. The definition is acceptable in general, but there should be some flexibility left for the interpretation taking into consideration the particularities of each State and its respective coastal zone. Croatian Regulation on Protected Coastal Area Development and Conservation (Official Gazzette 128/04) defines in Article 2 'protected coastal area' as consisting of "all the islands and a 1.000-m wide mainland and a 300-m wide marine belt measured from the coastline", which stands for "tidal wave line on the coast"
2. Provision of Article 6 of the draft Protocol on integrated management of coastal zone leaves enough options for the issue of coordination to be regulated on the level of Member States, i.e. a good framework for institutional coordination is provided by Article 6. Based on this provision of the Protocol, each Member State will be able to establish appropriate system of coordination vertically as well as horizontally.

In accordance with the above the cooperation and coordination of authorities in the field of physical and spacial planning is regulated on national, regional and local level in the Republic of Croatia.

In Croatia, provision of Article 34 of Physical Planning Act (OG 30/94, 68/98, 61/00, 32/02 and 100/04) stipulates that every intervention in space should be done in accordance with the physical planning documents, special regulations and location permit. Location permit is issued on the basis of physical planning documents as well as special laws and regulations. Regulation on public debate in the procedure of establishing physical plans (OG 101/98) prescribes the ways of participation of the government administration bodies and legal persons with public authority in the procedure of establishing physical plans.

3. In Croatia, the Regulation on Protected Coastal Area Development and Conservation regulates the part of the coast where building is not permitted within 100 m width and guarantees public and free access to the coast. We believe 100 m wide part where building is not permitted to be a minimum and it would be most recommendable to widen the part, not only in a linear way, but also with a more flexible approach, depending on configuration and characteristics of the area and landscape. Therefore, it would be good to define such possibility – criteria which would be applied by some states. This refers primarily to excluding the possibility of building in all the parts of the coast except for those where there are housing settlements and marinas in building areas according to our Regulation.

In addition to the protected coastal area according to the Croatian Nature Protection Act, (OG 70/05), there are approximately 220 areas and parts of nature in the Croatian coastal zone which are protected in different categories of protection. Some protected areas which are of particular importance for preservation and protection of the marine and the coastal region of the Mediterranean are: National Park Kornati, National Park Mljet, National Park Brijuni, Nature Park Telašćica, Nature Park Vransko Lake, the Neretva Delta which is still currently just partially protected, but represents a very important Ramsar site, Special Marine reserve Malostonski zaljev and Special Marine reserve Limski zaljev.

Concerning traffic we should be more clear because it necessarily takes place and somewhere new roads may be needed, although not necessarily huge infrastructure, like highways. The distance from the coast line is of importance here, because it is not clarified by Article 7 of the draft Protocol so in this respect it may be applied to the whole coastal zone width and not only within the 100 meters where building is not permitted.

In Croatia the above mentioned Physical Planning Act and Physical Planning Strategy and Physical Planning Programme of the Republic of Croatia define guidelines that building should not be extended in linear way and that the building lands should not be connected however, there is a need for stronger implementation instruments (elaboration of regulations and norms in planning).

4. All the listed economic activities are of great relevance for the Republic of Croatia apart from industry, if not connected to the sea, as well as windmills and quarries which are excluded or limited in the area of 1000 m (Protected coastal area).

Proposed rules are specific enough as a principle and a framework with the presumption that they will be further defined by the documents that are to follow e.g. Mediterranean Strategy. Croatia has already built in our respective regulations and documents most of the principles and guidelines which are the same or similar to the ones stipulated by the draft Protocol.

Regulation on Protected Coastal Area Development and Conservation regulates more in details the conditions for physical planning and preservation of the protected coastal zone, than it is stipulated by Article 8 of the draft Protocol.

We would like to stress that when mentioning excavation and extraction of minerals, we primarily think of quarries and we believe that it is highly important to determine restrictions connected to the stone exploitation. Our experience says that quarries degrade the coastal zone irreversibly, therefore our Regulation stipulates restrictions regarding quarries in the coastal zone. Legal framework of the Republic of Croatia regulates the procedure for excavation and extraction of minerals in relation to obtaining permits, but irrespective of this fact, we believe that it is necessary to guarantee a higher level of protection especially in the coastal zone.

We do not foresee any obstacle to implementation of the proposed rules and we think that there should be room left for the States to introduce special protection measures in certain areas of interest.

5. We believe that implementation of the provisions of Article 12 of the draft Protocol is possible in the Republic of Croatia without major difficulties.

We consider participation of all the stakeholders, including nongovernmental organizations and the public in general in the decision-making process of great importance. Public participation is regulated by different acts and some regulations: Physical Planning Act, Regulation on Public Debate in the Procedure of Establishing Physical Plans (OG 101/98), Act on Access to Information (OG 172/03) Environmental Protection Act (OG 82/94, and 128/99), Nature Protection Act etc.

All the physical plans in Croatia fall under public insight and comments, which is regulated by a special Regulation.

6. The idea of inventories is basically acceptable. However, the formulation put in the draft Protocol is not totally clear concerning “national legislation” because different elements are listed (areas, activities, institutions). Therefore, it would be useful to formulate it more systematically with more clear indicators.

Additionally, such an inventory i.e. system and implementation should in a certain and acceptable part be adapted to the national systems and data collection mechanisms at least for a longer period (e.g. statistics, institutions) if it would not cause problems for the Protocol.

7. We believe that a Mediterranean Strategy could contribute to the development of national strategies; however, we believe that before giving any reply in relation to Article 15 of the draft Protocol we should have a common understanding on the crucial elements of the Strategy.

In principle if the solutions proposed in Article 16 of the draft Protocol remain such as stipulated; it will definitely contribute to development of national strategies. It is expected though first to define the elements and rules that are common for the Mediterranean region.

8. In our country there is a significant need for drawing a national coastal strategy, implementation programs and plans, which should be in accordance with the documents on physical planning.

Coastal zone protection is implemented by a series of different acts and some regulations: Physical Planning Act, Regulation on Protected Coastal Area Development and Conservation, Environmental Protection Act, Nature Protection Act, Maritime Code, Maritime Good and Sea Ports Act, Islands Act, Marine Fisheries Act, etc. and by different level physical plans: county physical plan, physical plan of cities and municipalities and detailed physical plans. Each national park and nature park has its own physical plan. After a national strategy for integrated coastal zone management and coastal implementation plans and programs will have been made, in conformity with the integrated management objectives and principles of this Protocol, and based on analysis of the existing situation in our coastal zone, they will be integrated in the existing physical plans by related legislative framework and administrative measures.

It should be mentioned that integrated coastal zone management presumes measures from other fields and makes such a document or at least a separate body useful. We consider that National Program of Implementation of the regional Strategy adapted to the systems and documents of each respective State, which would include all the important and implementable provisions of regional strategy, would represent a significant document in this direction.

The Republic of Croatia has started drafting Physical plan for the area of special characteristics “Croatian Adriatic” which will definitely use elements of other documents but could on its own play a role of key national document for the coastal zone.

9. According to the Croatian legal framework only the EIA is obligatory, i.e. SEA is not yet obligatory.

Taking into consideration that the issue of physical planning is specially connected to the issues of protection of environment and preservation of nature, based on the existing legal framework in the Republic of Croatia, it is important to point out that spatial planning is founded primarily on physical plans and any new urban development has to be in accordance with them.

While doing EIA procedure in Croatia it is obligatory to respect the sensitivity of coastal zone and, therefore, it is taken into consideration in a satisfactory manner.

10. The mechanism for the acquisition of land for public ownership already exists in Croatia, it is related for the protected areas by Nature Protection Act. Cession to public domain is regulated; 6 meters from the coast line are considered public maritime good which cannot be in anybody's ownership.

In Croatia, a separate Expropriation Act (OG 9/94, 35/94 and 114/01) and Construction Act (OG 175/03, 100/04) regulate expropriation for buildings of interest for the State, particularly in relation to infrastructure.

It is important to point out that any new urban development in the Croatian coastal zone is regulated by specific physical plans.

We consider all the legal instruments mentioned to be already existent within the Croatian legal system.

11. Introduction of the appropriate financial and economic instruments will contribute to the implementation of all the necessary measures for protection and preservation of this specific zone.

We shall adopt relevant financial and economic instruments intended to support local, regional and national initiatives for the integrated management of our coastal zone aiming at implementation of the national coastal strategy, plans and programs.

In Croatia, similar financial elements and economic instruments are stipulated by the provision of Islands Act.

We have already established charges and contributions that are used for the protection of environment: water charges, municipal services' charges, contributions and as of recently important charges that are collected by the Environmental Protection and Energy Efficiency Fund.

12. We believe that there are no difficulties and that there should not be any related to coordination of our national coastal strategies, plans and programs for management of the coastal zone with the neighbouring countries. Some of our protected areas (Delta of Neretva River) have already been transboundary connected with the protected areas in the neighbouring countries. In such a case, management plan and nature protection measures are established in mutual agreement with the respective countries.

There are joint activities in a number of projects aiming at Adriatic Sea and coastal zone protection with the neighbouring countries. There are experiences in the implementation of joint EIAs related to the activities in connection to the coastal zone.

13. Approximately 70 % of the proposed provisions of the draft Protocol are already in place in our country.

14. We believe that generally:

- there should be some room left for taking into consideration particularities of the States that should still act within the basic provisions of the draft Protocol;
- the whole package of documents and measures should be more visible, more understandable and more connected to the series of programs, strategies and projects that are appearing (e.g. MSSD);
- a good care should be taken in order to avoid any unnecessary increase in administrating, institutions, documents, acts etc. because it is difficult to find a way and therefore, it would be good that the new documents lean on the existing ones.

EGYPT

EARLY SCREENING TEST; by Mr. Mohamed Farouk

1. Article 3: the geographical coverage of the Protocol: we prefer more flexible approach according to each country national definition. What is meant by the terminology of the local coastal administrative units, is it the coastal governorates border.
2. Institutional co-ordination : yes, it could secure better coordination
3. Article 7:Yes, 100 meters is enough to consider the minimum permissible limit where building is not permitted within it. Yes, there is a free access of Pedestrians to the sea, it is secured by the law, but in some cases it is difficult to get access to the sea for pedestrians in some areas without charge. Some of the proponents have the concession right in some areas.
4. Article 8: Yes I found it enough, the obstacles we might be faced sometimes the conflicts of interests among the stakeholders and pressure from economic influence pressure.
5. Participation of stakeholders and Public: Yes, it is implemented in our country is proceeding within the EIA stage of the project.
6. Articles 14: It will be very difficult , need times ,efforts and mechanism . due to the absence of the network of coastal zone on the local level, It will be difficult to share the data with the Center . Beside what kind of data will and can be shared ...
7. The Mediterranean strategy for coastal zone management could be the bases of national coastal zone management strategy. When it exists.
8. Articles 16: The legal regime in Egypt is now shifting towards the integration , there is a national steering committee for ICZM headed by the Chief executive officer of EEAA and represented by 16 first under secretary from line ministries and one of the main mandate of this committee is to get integration of interest in the coastal zone.
9. EIA , SEA : Yes EIA is legally binding and enforcement in Egypt , but SEA not yet. Yes, the coastal EIA studies consider to be satisfactory.
10. This is always a problematic issue though the set back area in Egypt is 200m.
11. Articles 19: Yes it is, As general economic and financial instrument are accepted in Egypt. It's implemented through taxes exemption , incentives and compensation .
12. No there is no difficulties, but for the assessment of transboundary of environmental impact can be covered by other EIA convention not within ICAM protocol. EIA is a procedure controlled through legal regulations, special attention on ICAM protocol can be given to the EIA as an important tool and instrument toward CZM.
13. Over all 80% of the proposed provision in the draft protocol are already in place and active in Egypt.

14. Further comments :

Articles 11; Cultural heritage: the last paragraph which elements of underwater cultural heritage of coastal zone may not be commercially exploited, why not exploited, this is one of the resources it need to be protected and if possible used under certain condition that maintain its integrity .

Articles 28; Institutional arrangement, first Paragraph (non-governmental organization) most probably its International organization, because dealing with NGO is the pure responsibility of each country.

FRANCE
EARLY SCREENING TEST; par M. Pierre Bougeant

Q 1 :

Je préfère la limite eaux territoriales/ limite administrative ; c'est celle de la France, cela devrait être encore + efficace dans les autres pays ou les communes sont moins nombreuses.
Peut être peut-on envisager un extension pour les zones écologiques cohérentes en deçà de ces communes litto?

Q 2 :

Il ne faut pas se faire trop d'illusions, même dans les pays les + développés cette coordination est notoirement insuffisante la preuve en est la consommation d'espace littoral dans ces pays.
Cependant il est essentiel de maintenir cet article pour inciter a faire.

Q 3 :

La zone des 100 m (hors zone déjà urbanisée) est une protection minimum
Que se passe-t-il si l'on construit 30 étages à 101 m ?
La loi littoral Fcse prévoit les 100m mais rend également possible des interdictions de construire beaucoup plus loin Qq Km dans certains cas.
Une notion intéressante la bande des 100 Ans qui tiendrait compte de l'érosion côtière prévisible, de l'augmentation du niveau de la mer et reporterait à +de 100 m au delà les constructions nouvelles
. Cela limiterait d'autant les coûts de protection contre les flots.

Q 4 :

Toutes ces activités sont très importantes sur le littoral français.
L'article 8 est indicatif de meilleures pratiques dans la continuation ou le développement de ces différents usages qui sont pour la plupart conflictuels avec l'environnement mais très souvent aussi conflictuels entre eux
Les bagarres seront rudes vu la multiplicité des conflits d'intérêt mais après tout c'est cela le cœur de la gestion intégrée.

Q 5 :

Nous connaissons tous les fausses ou virtuelles consultations.
Le + important est que par sa capacité à ester en justice le citoyen ou le groupement de citoyens puisse faire annuler une décision par les tribunaux.
Dans de nombreux pays cela demandera une réforme des mentalités, des procédures, des arrangements avec le ciel, et un très important effort de formation des acteurs de constatation de l'infraction et des magistrats.

Q 6 :

A partir du moment où le protocole aura des effets contraignants il est impératif de pouvoir, de manière cohérente de pouvoir évaluer son application.

Q 7 :

Le système devrait s'apparenter à celui des poupées russes.

Q 8 :

Le système français articulé autour de la loi littoral organise ces cohérences .

Q 9 :
Oui et oui.

Q 10 :
Bien évidemment OUI.

Q 11 :
C'est une question essentielle.
Les éléments de la fiscalité traditionnelle vont le plus souvent à l'encontre de la protection et alimentent les budgets de l'Etat ou des collectivités locales avec des prélèvements sur des activités destructrices de l'environnement (industrie, tourisme, construction...).
Il faudrait retourner la donne et au contraire favoriser notamment les collectivités locales protectrices qui sont actuellement défavorisées en organisant des péréquations
Il faudrait également réfléchir aux transferts de charges exercé par les pays du Nord sur ceux du Sud et qui ne sont pas compensés même au plan purement économique, dans le domaine du tourisme par exemple .

Q 12 :
Nécessaire coordination avec les obligations de l'U E.

Q 13 :
70/80%

Q14 :
No comment.

ITALY
EARLY SCREENING TEST; par M. Giuliano Fierro

Question 1

Sur le point 1 de l'article 3

- a) nous avons des problèmes pour la limite extérieure de la mer territoriale dans la Mer Adriatique.
- b) La limite vers la terre de la zone côtière doit être l'unité administrative locale côtière (municipalité) pour les côtes hautes et la Province pour les côtes basses.

Question 2

Non, ce n'est pas recommandable l'institution d'un organisme pour assurer une meilleure coordination parce que les compétences et les connaissances prévues seraient trop nombreuses.

Question 3

La bande de 100 mètres ne peut pas être acceptable dans des plages de côtes basses qui présentent une faible pente; par exemple, les milieux naturels de transition (plages, deltas, zones humides).

Je suis d'accord pour le développement linéaire des agglomérations.

Pour la création de nouvelles routes le long de la côte, il faut ajouter que elles pourront être réalisées sauf dans des cas exceptionnels et dans le respect de l'environnement.

Question 4

Pour ce qui concerne l'article 8.1 il faut ajouter à « la pollution de la mer, de l'air, des sols et de la nappe fréatique ».

Pour l'article 8.3.a il faut ajouter « le tourisme culturel, écologique, rural et balnéaire de qualité ».

Question 5

Article 12.1

Il peut arriver qu'il y aura des difficultés de la part des utilisateurs (propriétaires des établissements des bains de mer) et même pour le manque de divulgation.

Article 12.2

La participation du public dans notre pays ne correspond pas à cet article.

Question 6

Je suis favorable et je n'ai pas d'objections.

Question 7

La stratégie méditerranéenne pourra, en certains cas, aider les stratégies nationales.

Par exemple dans le cas d'accident transfrontalier, pour les travaux de exploitation des ressources naturelles et pour les zones protégées.

L'homogénéité des stratégies nationales pourra sans doute aider dans la collaboration nationale.

Question 8

Les instruments juridique en vigueur dans mon pays n'accordent pas une attention particulière aux zones côtières à exception de la loi 431/85 « Legge Galasso » (liens pour le paysage), les Plans de Bassin , L.183/89 et la loi nationale qui a reçu la Directive CEE 92/43 (Directive Habitat).

L'Italie a déjà prévu une planification côtière qui actuellement peut être réalisée en considérant les différents plans régionaux.

Question 9

Les évaluations environnementales ont eu un pouvoir contraignant, mais la EES a eu un impact plus faible parce qu'elle est plus récente.

Oui, on peut considérer que la fragilité spécifique a été prise en compte de manière satisfaisante.

Question 10

Non, on n'a pas de réglementation.

Question 11

La mise en œuvre de stratégies nationales qui exigent des instruments financiers a un moment de difficulté dans notre pays à cause d'une certaine crise économique.

Question 12

Aucune difficulté prévue pour la coopération.

Au sujet de l'article 25, l'Italie a ratifié la Convention de Espoo (19/1/1995) pour les études des impacts environnementaux transfrontaliers et elle a signé le Protocole de Kiev (pour la valuation de l'impact environnemental).

LEBANON

EARLY SCREENING TEST; by Mr. Ibrahim Nizam (Ministry of Public Works & Transport, Directorate General of Land & Maritime Transport (DGLMT))

1- There is no specific definition for the coastal zones, therefore:

1.1- Similar sentences such as: Coastal navigation, national coastal navigation, Lebanese coast, have been cited in some provisions of Maritime texts.

1.2- The width of territorial waters and prohibited zones for Maritime navigation are regulated by a legislative decree which stipulates:

a- "With observance of the provisions of international conventions which LEBANON, is a member of, or has been acceded to, the width of territorial waters is defined by a distance of 12 miles as from the shore starting from the minimum level of lower tide.

b- Prohibited zones in territorial waters can be established where Maritime navigation is forbidden and navigational lines are to be defined, and that by a decree to be taken in the council of ministers, upon proposals of Ministers of Public works & Transport, Finance and National defense.

1.3- The seashore (maritime public domain) is defined by the farthest distance that the tide reaches in winter, and it consists of sand shore and pebbles.

Thus, pertinent Lebanese provisions seem to be compatible with coastal zones defined in article 3 of the protocol, between the seaward limit and the landward limit.

As Lebanon being party to the international convention of the sea (ENCLOS), 1982, is currently preparing charts showing and defining the base line of Lebanese territorial waters which will illustrate in the same time, landward limit and seaward limit of coastal zones.

2- Various authorities, ministries of:

- Public works & transport (Directorate General of Land & Maritime transport).

- Agriculture.

- Interior.

- National defense.

- Environment.

- Culture and high Education (as preservation of historical sites & monuments) are sharing responsibilities on coastal zones, without enough cooperation.

Institutional coordination body can be established for securing better the implementation of coastal zone management.

3- a- There is the maritime public domain, which is principally intended for public use and exceptionally

for some private use (in case of granting temporary occupation authorization).

No non movable constructions are allowed on this public domain except for what it related to sports, equipment and annexes to constructions on private land which should be existing near the coast, provided that the maximum level of superficial exploitation of this equipment does not exceed 5% and the height of structure above the public domain does not exceed 6 meters, with a maximum of exploitation factor of 0.075.

b- Private lands adjacent to the maritime public domain are subject to conditions and restrictions for various constructions and infrastructures according to regions, the possibility of occupying and exploiting parts of maritime public domain...

The planning of the seashore impose rules for building such as: distance from the shore line, distance from neighboring land limit, exploitation factor...

4- Lebanese territorial waters bed and their interior are annexed to the maritime public domain; and existing islands in the territorial waters and lands acquired on the sea and on the maritime public domain either by alluvium or by embankment can also be annexed to the maritime public domain by decrees to be taken in the council of ministers upon proposal of the Minister of public works & Transport.

(Law enforced by the decree n° 9133 dated October 7, 1974).

Economic activities in the coastal zones are as follows:

- Tourist projects for sporting and recreational purposes (Marinas, beaches...), without building.
- Industrial projects (sea lines for charging & discharging fuel oil, petrol, buoys for tankers anchoring...), without building.
- Agriculture projects,
- Public ports, fishing ports, private terminals, private ports for some industrial purposes.

The proposed rules to guide these activities are deemed to be enough and no significant obstacles or difficulties can be foreseen in implementing them.

5- Participation of stakeholders and public consists of providing suggestions and recommendations without interfering directly in a decision making process.

6- Establishing observatories and preparing update national inventories of coastal zones can be considered practically as a good idea.

7- The Mediterranean strategy for integrated coastal zone management (ICZM) as envisaged in article 15, would contribute in some ways to solutions for national strategies of this kind, as the management of Lebanese coastal zones, has never been managed and regulated (implementation of various activities, exploitation, environmental impacts...)

8- Preparations of compulsory national strategy for ICZM and coastal implementation plans and programs can be envisaged with precaution and integrated with the existing special planning development instruments if any.

9- Surely, a specific sensitivity of coastal zone in these studies is considered to a satisfactory level.

10- It is not a problem for LEBANON where there is a maritime public domain destined and open principally for the public use.

11-

12- At present, there would be some difficulties to coordinate national coastal strategies plans and programs for the management of coastal zones.

With neighboring countries, it will create environmental impacts of activities, plans, and programs if these activities are likely to cause a significant adverse effect to the coastal zones of other states.

13- It is evaluated about 30%.

MOROCCO

EARLY SCREENING TEST; par M. Zine Abdelaziz et Mme. Gardi Khadija

- 1.** La définition de la zone côtière telle que prévue à l'article 3 du Protocole est une définition valable ;
- 2.** Oui, la création d'un organisme susceptible d'assurer la coordination entre les différentes administrations est faisable et recommandée par les opérateurs concernés;
- 3.** Oui, nous considérons que la bande inconstructible d'au moins 100 mètres de largeur est acceptable, mais cette largeur peut être augmentée lorsque des motifs liés à la sensibilité des milieux à l'érosion des côtes le justifient. Toutefois une exception doit être prévue pour les services publics et les activités exigeant la proximité immédiate du milieu marin ;
 - Concernant les autres règles relatives à la limitation du développement linéaire des agglomérations et la création de routes nouvelles le long de la côte, il est préférable de prévoir aussi des servitudes de reculement des infrastructures de transport à compter de la bande inconstructible de 100 mètres, et ce par, la création d'une autre bande de 2000 mètres à titre d'exemple, où toute infrastructure de transport nouvelle est interdite, sauf les infrastructures de transport maritime et les voies nécessaires exigeant la proximité immédiate de l'eau ;
 - Aussi, l'instauration des instruments d'aménagement et d'urbanisme spécifiques aux zones côtières est un choix fondamental et primordial, notamment pour la fixation des limites à ne pas dépasser pour les nouvelles agglomérations, ou l'instauration d'une distance à respecter lors de l'extension de deux agglomérations adjacentes situées sur le littoral, ou pour la réglementation des taux d'occupation du sol et la hauteur des constructions situées dans les zones de retrait ;
 - S'agissant du libre accès des piétons à la mer, ce droit est garanti actuellement par la législation nationale.
- 4.** Dans la zone côtière méditerranéenne marocaine, les principales activités économiques sont : l'agriculture, la pêche et l'aquaculture, le tourisme, les ports et autres ouvrages maritimes.
 - concernant les règles proposées, elles sont assez précises pour orienter et réglementer ces activités, mais leur application nécessite des efforts pour résoudre les problèmes relatifs notamment aux droits de propriété et d'indemnisation, l'actualisation de certains textes sectoriels réglementant certaines activités.
- 5.** Pas de difficultés pour inviter des groupes d'intérêt et du public concernés au processus décisionnel tel que prévu à l'article 12 du Protocole.
 - La participation du public est réglée via des enquêtes publiques prévues dans plusieurs textes législatifs en vigueur relatifs notamment à : l'urbanisme, les

établissements classés, l'expropriation pour cause d'utilité publique, construction des routes, les études d'impact sur l'environnement et d'autres circuits démocratiques reconnus tels que la consultation des élus et des ONG

- 6.** La mise en place des observatoires et la préparation des inventaires nationaux des zones côtières régulièrement mis à jour tel que prévu à l'article 14 du projet de Protocole sont des mesures très importantes, à condition de concrétiser les objectifs de coopération régionale entre les états membres et de créer le climat favorable pour l'échange et le transfert des expériences en la matière et le développement de l'assistance scientifique, technique et financière au profit des parties qui en ont besoin. A cet égard, il est souhaitable de prévoir dans le projet de protocole des clauses précises déterminant les instruments d'aide particulièrement aux pays du Sud de la Méditerranée.
- 7.** La stratégie de GIZC envisagée dans l'article 15 peut contribuer à l'élaboration et à la mise en œuvre des stratégies nationales du même type, étant donné que plusieurs éléments prévus par le Protocole, comme principes, objectifs et orientations du développement durable des zones côtières, constituent une vraie approche permettant de traduire les efforts déployés pour protéger le littoral méditerranéen .
- 8.** Plusieurs textes législatifs et réglementaires accordent une attention particulière aux zones côtières actuellement et en vue d'éviter les approches sectorielles nous sommes en train de finaliser un cadre législatif spécifique à la gestion et à la protection de ces zones en général instaurant les mécanismes de coordination entre les acteurs et énumérant les modalités d'élaboration et d'application des plans locaux et des schémas régionaux pour la gestion des zones côtières.
- 9.** La loi 11.03 relative à la protection et à la mise en valeur de l'environnement ainsi que la loi 12-03 relative aux études d'impact sur l'environnement promulguées en 2003 exigent pour les projets et infrastructures susceptibles de porter atteinte à l'environnement la présentation d'une évaluation préalable des impacts de ces projets sur les différentes composantes de l'environnement. Ces études sont élaborés conformément aux termes de références formulés par l'Administration et contiennent des mesures à prendre par les auteurs de projets pour supprimer et réduire les conséquences dommageables du projet sur l'environnement en général.
- 10.** Le Maroc dispose de plusieurs mécanismes d'acquisition foncière telle que la loi n° 7-81 relative à l'expropriation pour cause d'utilité publique, la loi 12-90 sur l'urbanisme et la loi relative au déclassement du domaine public ainsi que le mécanisme d'acquisition pour la constitution du domaine privé de l'Etat. Toutefois, le recours à ces mécanismes d'acquisition demande des moyens financiers et des procédures administratives et judiciaires très longues.
- 11.** La mise en œuvre d'une telle stratégie ou de tels plans de GIZC nécessite des moyens financiers outre ceux dont disposent les collectivités locales concernées. Il sera indispensable d'adopter des instruments financiers et fiscaux adéquats pour répondre aux besoins des acteurs concernés pour l'exécution des plans et programmes envisagés. A cet égard, le législateur marocain a adopté en 2003 la loi 11-03 qui prévoit l'institution d'un Fonds National pour la Protection et la Mise en Valeur de l'Environnement (articles 60 à 62) dont les ressources sont destinées au financement

des incitatives d'ordre environnemental. Par ailleurs, des encouragements prévus dans la charte d'investissement de 1995 pour les projets environnementaux d'une façon générale. Actuellement ; des aides et des crédits sont octroyés aux collectivités locales pour réaliser les infrastructures de base par le Fonds de Développement des Collectivités Locales et le Fonds d'Équipement Communal ; mais ces crédits ne sont pas suffisants.

- 12.** La coordination entre les pays voisins est indispensables pour la mise en œuvre des stratégies nationales et des plans et programmes de GIZC frontalières et donc le respect des clauses contenues dans l'article 25 du Protocole en ce qui concerne la coopération avec les autres pays en matière d'évaluation d'impacts transfrontières des projets et d'activités sur l'environnement via les instruments diplomatiques habituels (notifications, échange d'informations...).
- 13.** Plusieurs dispositions proposées dans le Protocole sont déjà en vigueur dans notre pays, notamment celles relatives à l'exercice de certaines activités, à la protection du milieu marin, du patrimoine culturel, ainsi que la participation des collectivités locales et des opérateurs tout au long du processus d'élaboration et de mise en œuvre des plans économiques et sociaux intéressant de près ou de loin les zones côtières.
- 14.** Un projet de loi relatif à la protection et à la mise en valeur du littoral est en cours de finalisation par une équipe de travail qui tient en compte la plupart des clauses prévues par le projet du Protocole. Le champ d'application du projet de loi précité concerne la GIZC atlantiques également.

Pour garantir la concrétisation des objectifs visés par le projet du Protocole, il est indispensable de prendre les mesures nécessaires pour assister les pays concernés pour établir leurs stratégies nationales et les aider à élaborer les plans et programmes prioritaires concernant les zones côtières et ce, par l'application efficace des instruments de coopération régionale et internationale existants.

SERBIA AND MONTENEGRO
EARLY SCREENING TEST; by Ms. Aleksandra Ivanovic

Q1. According to the Montenegrin 1992 Coastal zone (maritime public domain) law (Zakon o morskome dobru), public maritime domain is defined to extend seaward to the limit of the territorial sea, and landward six meters from the line where highest wave reaches during the strongest storm. Since the landward definition was not easily applied in practice, the Montenegrin Government formed a State Commission that draw the landward border that varies from 10 m to 3 km, depending on the coastal morphology, including usually the beach, rocky cliffs and hinterland as well as the functional units (ports, wetlands, natural protected areas etc.). This border is applied in the State Cadastre, and within the limits of the land border and the seaward border of the coastal zone (public maritime domain), the Ministry of Environment and physical planning started the procedure of drawing the Spatial Plan of Special Purpose for the area of coastal zone.

After the reactivation of its membership in MAP, and taking into account the article 2 of 1995 Barcelona Convention that states that each country will define its own coastal zone on one hand, and having the experience that State level management in the narrow strip of public maritime domain and local government management in the are in the hinterland was not functional, the Public enterprise for coastal zone management through a GTZ funded project drafted a proposal for defining of the wider coastal area (on the land side) to include wider parts of the local municipalities in the coastal region.

The proposal for defining the coastal area took into account the geographical, watershed, biological and administrative boundaries of the coastal region and the proposition was that the landward border of the coastal area of Montenegro should be at the highest peaks of the coastal mountain range, what in most part correspond to the borders of the General Urban Plans of the six coastal municipalities. This proposal should be adopted through the adoption of the Spatial Plan of the Special Purpose for the Coastal zone.

However, in the process of writing the Report of the state of biodiversity in the Coastal region of Montenegro, different coastal area was defined for the purpose of this report, based on the biodiversity approach. This area significantly differs from the proposed coastal area because it includes Skadar Lake, an important biodiversity reserve in Montenegro which is connected to the Adriatic sea through Bojana river.

Having all this experience in Montenegro, and keeping in mind the difference between all Mediterranean countries, it might be more applicable if the Article 3 would opt for the more flexible approach. On the other hand, the administrative approach, and usage of the local coastal administrative units will ensure better application of the future Protocol, and will provide for clear jurisdiction and authority.

Q2. The same 1992 Coastal zone (maritime public domain) law (Zakon o morskome dobru), also defines the institutional organisation for the management of the coastal zone -public maritime domain. According to this law, the Parliament of Montenegro formed the Public Enterprise for the management of coastal zone (Javno preduzece za upravljanje morskim dobrom) to manage the coastal zone (as defined by the law), to be responsible for upkeep of the coastal infrastructure (docks, ports, sea walls,) and to rent by contract the area in coastal zone for use.

This Enterprise was formed in 1992 under the jurisdiction of the Ministry of Maritime affairs and transportation, and was transferred under the jurisdiction of the Ministry of environment and physical planning (MEPP) in 2004. The Enterprise is self financed from the renting of the coastal zone for temporary use, according to the annual programs that are adopted by the MEPP. The coastal zone is state owned (unless it is private, there is a small percent of private owned land in the zone), and is rented under contracted conditions for use. If usage takes into account building and reconstruction (and the building permits are issued from the local municipalities, or, for larger projects from the MEPP), the amount of investment may be transferred into the years of rent. Also, all buildings and arrangements done in, for example, new, artificial beach, after the end of the contract, become State owned.

Having one institution to coordinate the activities in the coastal zone in Montenegro was very efficient, especially in the period of transition in our country. The main success is that within the land strip of the coastal zone there are only several cases of illegal buildings, while in the area of the coastal municipalities, the illegal building or building according to poor planning and permitting policy of the local authorities, bloomed during the nineties. The municipality of Budva is the example of this case.

Another good point of having the institution to manage the coastal zone in Montenegro was the excellent beach management techniques and generation of the income form the public maritime domain that was reinvested into the same area through the reconstruction, upkeep, green areas, walkways, etc.

On the other hand, due to lack of the clear legal framework, and not having clear jurisdiction between the State and local authorities, on each side of the landward border, many problems arose, especially in the area of wastewater discharge (the management of the wastewater infrastructure is under local authority, but the underwater discharge pipelines are going through the coastal zone). Also, problems can be found in the area of not coordinated jurisdiction among different Ministry levels, so for example, the Ministry of agriculture, forestry and water management is in charge of defining the location for mariculture, Public Enterprise defines location for beaches and tourist use, Ministry of Economy is defining the locations for excavation of natural resources (water, sand, gas, oil, etc.), Institute for Nature Protection is declaring protected area, and by poor coordination and communication among all actors, it is possible that they all define the same location for different purposes. The solution for this problem will greatly be found in the adoption of the Spatial Plan of Special Purpose for the Coastal Zone, but also, some changes in the legal framework, that will clearly define the coordination needs to be made.

Therefore, we believe that establishment of the specific body will secure better coordination and ensure better application of the provisions of the Protocol.

Q3. In Montenegro, so far, we do not have legal provision that defines the "non building area". In some ways, the non building was enforced through not allowing building close to the sea (besides the old historic towns and settlements that were built on the coast) set in the detailed or general plans of the local municipalities. To clear up, it should be said that, although the coastal zone is defined by a special law, and state level institution is set up to manage it, all permanent buildings in the coastal zone, are defined by spatial and urban plans adopted by local municipalities.

The Spatial plan of special purpose for the Coastal zone is the first plan of such kind that takes into account the whole coastal zone (parts of the six coastal municipalities) and sets the guidelines for development and protection (land use) of the land strip and the territorial sea (defined as the coastal zone by law).

As mentioned previously, the land strip is defined by a State Commission, however this is not a non-building zone, moreover, the Spatial Plan of Special purpose for Coastal Zone will allow the development of numerous new buildings (mostly tourist resorts, marinas and the facilities, etc.) within this area.

The definition of the "non building zone" is necessary to be recognized and proclaimed in Montenegro, and in that sense, within an project for ICZM in Montenegro funded by GTZ, an working group to define the non-building line is set up. On the other side, if the Spatial plan of special purpose for the coastal zone gets adopted by the Parliament of Montenegro, without the recognition of the "non building line" and with current proposals for developments in the untouched area, the "non-building line" principle will be very hard to implement.

For the proposal of 100m for the non-building line set by the draft Protocol, we are of the opinion that in some parts, due to the coastal geomorphology, it will be very hard to set up, since in some areas of the Montenegro, the coastal area is very narrow with high mountains rising from the coastline. Having in mind difference in the coastal natural features of the different Mediterranean countries, we propose that the draft Protocol allows each country to set the "non-building area", and possibly give the max and min limits (no less thanm, not wider thanm).

Q4. The development of tourism is seen as the key economic activity in the coastal region of Montenegro. Agriculture, shellfish, aquaculture and fishing are activities to be developed as the supplementary to the tourism. Therefore, almost all of the activities and the proposed rules in the Article 8, are relevant to the present state and the future development on the Montenegrin coast. The proposed rules in the Article 8 are specific enough to give clear guidance for sustainable development of the activities in the coastal region, but leaving enough room for specificities of each of the Mediterranean countries. Some of the proposals in this article are also proposed in our draft Spatial plan of Special purpose for the Coastal Zone in Montenegro.

Q5. Participation of stakeholders and public is a well known procedure in Montenegro in the process of adoption of spatial plans, and recently also in preparation and adoption of Master plans and strategic plans of certain sector or local municipalities.

While the stakeholder and public participation in the planning process is regulated by a procedure set in the law (expert commission and stakeholders give opinion on the first draft of the plan, than stakeholders and public have opportunity to give opinion on the second draft during the public hearing phase), in recent years, since many of the non governmental organisations are becoming very active, many government and municipal bodies and institutions are inviting NGOs to take the active role from the beginning of drawing strategic or developmental plans, master plans of certain sector etc. However, the public participation in decision making process, other than spatial planning, is not regulated by law in Montenegro.

Q6. Since we currently do not have inventories of the coastal zone (except some inventories of protected species, but incomplete), we find this proposed article very important and necessary.

Q7. Since the planning practice and procedure in Montenegro is very important and strong, and it is considered that the Spatial plans (Spatial Plan of Montenegro, Spatial plans of special purpose (National parks (4) and the Coastal Zone, and Municipal Spatial Plans) are basically the Development Strategy of the area, since they are adopted for the longer period, have vision of the future development and environmental protection, and they give guidelines for drafting of the lower level urban and detailed plans. However, these plans often do not propose the sustainable development, nor propose clear guidelines for environmental protection and rational resource use.

Montenegro just started the process of drawing its National Sustainable Development Strategy. This Strategy is done in accordance with MSSD and with assistance of MAP, and one part of this strategy will deal with the coastal region. However, this Strategy should be adopted by the Spatial plan of Montenegro as the highest planning and strategic document, in order for the Sustainable development strategy of Montenegro to become legally binding and enforced in the lower level plans. If this is not done, and the Spatial plan of special purpose for the coastal area is adopted by the Parliament of Montenegro it will be a legally binding strategy for the coastal zone.

Q8. The Coastal Zone Law of 1992 gives the special attention to the coastal zone, as well as some articles of the 1995 Water management law, 2003 Marine fisheries law, 2002 Beach management act give some attention to the coastal zone. However, there are some gaps as well as some old laws that were not renewed (such as 1968 Nature protection law). The pros and cons about the implementation of the National strategy is discussed in the previous answer. The national strategy must be integrated in the existing spatial planning system in Montenegro to ensure its application.

Q9. The EIA was legally binding since 1997 in Montenegro, and the EIA was done on the project level for certain activities that were listed in the Annex of the EIA Act. Currently the new set of the Environmental laws are in the process of public hearing. These are: the Environmental Impact Assessment Law, the Strategic Environmental Assessment Law and the Law on integrated pollution prevention and control. These laws are done in accordance with the EU Directives (2001/42/EC, 2003/35/EC and for the 96/61/EC -IPPC Directive).

So far, in the application of the EIA on the project level, the sensitivity of the coastal zone was not considered in a satisfactory lever. However, the project is usually done in accordance with a plan, and by not having the SEA in force, the plans did not consider the influence of certain activities on the environment. It must be said that in the planning procedure, the environmental study was necessary part of the plan, and the agreement of the Ministry of environment was an necessary for a draft plan to go further in the process of adoption. However, the instruments such as carrying capacity of the environment, risk assessments etc, were not use while drawing the plans.

With the new set of the laws, once they are adopted and enforced, the sensitivity of the environment will be taken into account while proposing the land use, capacities and development guidelines in the plans and projects.

Q10. This question is not regulated in our country. It is defined by the Law on Coastal Zone that the coastal zone is state owned and that private ownership in the coastal zone is guaranteed.

Also, the state owned land cannot be sold, and for large developmental project it is given as long term rent. However, we find it difficult to propose protection of certain coastal wetlands and valuable areas due to some private ownership within or in the surrounding area, due to the fact that the land value on the coast is the highest, the land owners want to have tourist or real estate development on their land. In that sense, the instruments for acquisition of land for public ownership would be of a great benefit for Montenegro.

Q11. When the Parliament of Montenegro in 1992 adopted the Coastal Zone Law, and set up the Public Enterprise for the management of the coastal zone, some of the economic and financial instruments were set at that time. The institution set up to manage the use of the coastal zone is set up to be self financed, earning income from renting of the coastal zone. The rent is the income of the institution and is to be reinvested into the coastal zone. The coastal zone in Montenegro is in most part comprised of the beaches (natural sandy and artificial bathing areas (concrete areas), and pedestrian areas along the hinterland of the beaches mostly in urban areas. Beaches (parts of the long sandy beaches) are rented for organisation during the summer season and for the cleanup during the off season. In this way, the expenditure of the municipal budget in the previous time before the Law, when beaches were managed by municipality, is transferred to become an obligation of the subject that rents the beach. Also, location for temporary objects (beach bars, kiosks, vendors) are rented for use during the summer season.

All the annual income made by the Public Enterprise for the management of the coastal zone (about 1,5 mil. euros annual) is to be reinvested into the coastal zone (infrastructure, cleaning of the unrented areas etc.), according to the annual plan adopted by the Government of Montenegro. It is a non-written principle to reinvest in each of the six municipalities as much as it is earned, however, sometimes when large investments are needed on some parts of the coast the investments are concentrated. This was the case when large ports needed to be repaired after big storms, etc.

We find this economic instrument (rental) useful, since we made income from something that was budget expenditure on the other side. From renting of the beaches and temporary buildings also the municipalities have income from communal and other taxes. However, the downfall of this principle is that in order to make more income, we tend to rent more and more locations, which doesn't leave many parts of the coast "untouched".

Some bylaw that would give more guidelines and principles for renting the parts of the coast, and that would give more specific principles for investment of the income (the percent needed to be invested in environment for example) is necessary in Montenegro.

Q12. The coastal region of Montenegro is bordering with Albania and Croatia, and Italy across the Adriatic. So far we did not have specific cross border projects on the coast, however, Montenegro and Albania signed an agreement and have joint project for integrated management of Lake Skadar.

Q13. Of the proposed provisions in the draft Protocol, the few articles, as whole or in part are existing in some form within Montenegrin legal system. On the other hand, most of the proposed provisions are exactly fulfilling gaps in the Montenegrin legal system and are proposing mechanisms that are needed in Montenegro to ensure the sustainable development.

SLOVENIA
EARLY SCREENING TEST; by Mr. Slavko Mezek

Q1. A more flexible approach define landward limit would be preferable: including also options such as territory of administrative units of second level self-government (provinces), or structures for preparation, implementation and monitoring of development programmes on regional/inter- municipal level.

Q2. Yes – I believe an appropriate co-ordination body is needed. Possible existing bodies for co-ordination could also be put in this function, in case their structure (partners) and mission is compatible. In Slovenia there are such potentially useful bodies, which could be appropriatilly adapted to this specific function.

Q3. Ad 100 m non-building land fringe:

- regarding the specific geo-morfological characteristics of the coast in Slovenia (steep slopes, cliffs) and high level of urbanised coast, the 100m land fringe is not appropriate; the Water law defines a 25 m land fringe, the government can define a different wide, with a special regulation;

I find that other rules related to the use of the coast are appropriate.

The free access to the sea is guaranteed, by Water law.

Q4.

Econ. activities	Not relevant	Relevant	Important	Difficulties in implementation
agriculture		+++		No
industry	+++			
shellfish production, aquaculture and fishing		+++		No
Tourism, sporting and recreational activities			+++	No
utilisation of natural resources	+++			No
energy	+++			No
ports			+++	Partial
maritime infrastructure and works		+++		No

Q5. Participation of stakeholders and public in general in a decision making process: Already part of national legislation, so I don't see any difficulties in implementation of this direction.

Procedure of preparation and adoption of Spatial development plans, spatial implementation acts: compulsory public conferences (2), public exhibition of proposals (1 month) and public debate;

Q6. I support this idea, although there might be some problems in implementation (financial requirements).

Q7. Selected issues, already part of proposed protocol, and guidelines for implementation (goals, objectives, time frame, monitoring, reporting....);

Q8.

- Above mentioned legal provisions are normally not "coastal specific", taking into consideration the short coast in Slovenia;
- a preparation of compulsory national strategy for ICZM: I think it would be useful, together with preparation of implementation plans and programmes: especially in view of international cooperation with Italy (Friuli Venezia Giulia Region) and Croatia (EU financial instruments available, such as Interreg III);
- I agree with the idea, that coastal implementation programmes and projects are integrated with development programming and spatial planning system on national/regional/local level;

Q9. Environmental assessments EIA, SEIA are legally binding in Slovenia, SEIA since July 2004 and they cover adequately also specifics of the coastal zone.

Q10.

- mechanisms for the acquisition of land for public ownership: not specific for coastal zones,
- the cession to public domain: regulated in the Water act;
- easement on properties: not regulated specifically for coastal zones;

Q11. Slovenia has experience in using this type of financial and economic instruments, so I believe they could be implemented, if and when necessary;

Q12.

- problems in co-ordination of ICZM strategies, programmes and plans between SLO/CRO/IT are not probable, since there already exists co-operation on national and regional/local level;
- assessment of the transboundary environmental impact of activities: assessment instruments are part of legislation;

Q13. My estimation: 80-85 %.

Q14. The questionnaire is well prepared, and a very good basis for the discussions in Oristano!

SYRIA
EARLY SCREENING TEST; by Mr. Hawash Shahin

1. Il serait préférable de supprimer le mot "Si" de l'alinéa 2 (article 3), sous la forme suivante:
"Dans la limite de sa juridiction un Etat Partie Peut décider".
L'ajout du mot "peut", serait plus flexible pour les Parties contractantes pour déterminer les zones mentionnées.
2. Oui, et ce pour faciliter le processus de coordination entre les différentes autorités maritimes et terrestres dans les diverses administrations compétentes dans les zones côtières.
3. Oui, il est acceptable d'affecter une bande inconstructible d'au moins 100 mètres de largeur. En effet, cela permettrait de conserver une bande côtière ouverte devant les piétons pour arriver à la mer est garanti dans notre pays.
4. Nous considérons que les règles proposées (article 8) sont assez précises pour orienter et diriger les activités mentionnées, ainsi que les difficultés de leur application, si elles existent, seront du type matériel.
5. Nous ne croyons pas qu'il y a de grandes difficultés lors de la mise en œuvre de la disposition (article 12) du projet. Par ailleurs, la participation du public sera par la voie des conseils de l'administration locale et en coopération avec le Ministère de l'administration locale et les institutions y relatives.
6. Nous voyons que les informations données par les Etats participant à former une base de données dont nous pouvons profiter pour échanger des expériences, des assistances techniques et d'autres.
7. Les éléments les plus importants sont: les assistances techniques, les expériences, les informations et les résultats relatifs au développement permanent.
8. Oui, et il peut y être une relation intégrale et non contradictoire avec la politique générale de l'Etat dans notre pays et avec ses plans actuels et prospectifs.
9. Il faut renforcer les procédures permettant de prendre en considération la spécificité des zones côtières et de profiter des études mentionnées.
10. Dans notre pays, les législations permettant de l'acquisition foncière et de la cession au domaine public. En fait, les dispositions (article 18) du projet ne s'opposent pas à ces législations et à la politique de l'Etat.
11. Il y a quelques dispositions relatives à l'imposition des impôts et des droits qui participent à la mise en œuvre des dispositions proposées dans le projet; mais il faut les renforcer des dispositions juridiques conformément aux législations en vigueur ou qui seront rendues.
12. La mise en œuvre des dispositions (article 24 et 25) ne provoque pas des difficultés. Il est possible de coopérer avec les pays voisins dans ce domaine.
13. Nous ne pouvons pas donner une estimation générale (en %) des dispositions proposées dans les projets qui sont en vigueur dans notre pays; mais nous pouvons dire que beaucoup de ces dispositions font parti de nos législations nationales en vigueur.

TUNISIA
EARLY SCREENING TEST; by Mme. Sihem Slim

Q1. Il nous semble que la limite administrative est valable, vu que les informations socioéconomiques peuvent être facilement disponibles.

Par ailleurs, l'approche géographique peut être plus pertinente (bassin versant, écosystèmes littoraux, ...) mais l'information relative à ce découpage territorial n'est pas toujours évidente.

En Tunisie on peut prendre le découpage des délégations littorales (70 délégations), sachant que le découpage par gouvernorat reste trop grossier (13 gouvernorats)
(voir cartes jointes)

Q2. La Tunisie dispose d'un organisme pour assurer une meilleure coordination entre les différents organismes concernés : l'APAL. Elle a pour mission d'appliquer la politique de l'Etat en matière de protection et d'aménagement du littoral:

- Gestion du DPM et apurement de la situation foncière existante avant la création de l'agence
- Gestion des espaces littoraux par l'étude, le suivi et le contrôle des opérations d'aménagement
- Elaboration d'études dans le but de protéger et de valoriser les potentiels des zones naturelles
- Suivi de l'état des écosystèmes côtiers.

Q3. Au niveau des zones non couvertes **actuellement** par des plans d'aménagement urbain la bande inconstructible de 100 mètres est un minimum à préserver. Au niveau des zones couvertes **actuellement** par des plans d'aménagement urbain la bande inconstructible de 25 mètres. C'est ce que prévoit la réglementation tunisienne. Malheureusement le terme **actuellement** n'a pas été mentionné ce qui pose un problème à chaque extension de plan d'aménagement urbain.

Pour la limitation du développement linéaire des agglomérations et la création de routes nouvelles le long de la côte, il est important de prévoir des zones tampons pour laisser des « fenêtre sur la mer » tous les 2 km de côtes (par exemple).

Le Domaine Public Maritime est un domaine délimité en Tunisie. Il couvre notamment la ligne des plus hautes eaux, les dunes bordières et les zones humides en contact avec la mer. Des zones non constructibles (d'au moins 25m ou 100m), sont aussi délimitées pour préserver ce domaine.

Au niveau de cette zone non constructible, il y a une zone de servitudes de 3m qui longe le DPM. Ce qui garantit l'accès libre des piétons à la mer

(Extrait loi APAL :

La protection environnementale concerne notamment :

- *Le rivage de la mer, les plages, les sebkhas, les dunes de sable, les îles, les falaises et les différentes composantes du domaine public maritime à l'exception des forteresses et autres ouvrages de défense.*
- *Les zones intérieures dans des limites variables selon le degré d'interaction climatique, naturelle et humaine entre elles et la mer, tels que les forêts littorales, les estuaires, les caps marins et les zones humides littorales)*

Q4.

Littoral tunisien 1300km; Population littorale 64%; Tourisme 95% de l'activité; Industrie 80% de la superficie localisé sur le littoral; Une agriculture littorale bien développée, la pêche 1% du PIB et 8% de la production agricole.

Infrastructures :

- La frange littorale est desservie par un réseau routier et autoroutier
- 5 sur les 7 aéroports sont sur le littoral
- 7 ports de commerce et 6 ports de plaisance, 40 ports de pêche

Les règles proposées (article 8) sont assez précises pour orienter ces activités.

Les obstacles et les difficultés qu'on peut rencontrer lors de l'application sont le fait qu'elles puissent être contraignantes pour le développement de certaines activités économiques dont notamment le Tourisme.

Q5. Pour l'ensemble des études stratégiques des comités à des niveaux national sont mis en place pour associer tous les organismes concernés aux différentes phases de l'élaboration et de la mise en œuvre des stratégies (plans, programmes côtiers). Ces comités regroupent pour la plupart :

- Les opérateurs économiques en tant que partenaires de la gestion intégrée à travers leurs représentants ;
- Certaines les collectivités territoriales et les personnes publiques concernées ;
- les organisations non gouvernementales

Cette participation n'implique pas pour la plupart du temps des enquêtes et ou auditions publiques sauf pour les plans d'aménagement urbain. Une approche doit être mise en place pour associer le public aux différentes phases de concertation. Mais cette approche peut être risquée vu les problèmes qui peuvent être rencontré dans le cas d'un projet de développement soutenu par un public au dépend d'une de la protection d'un espace nécessitent préservation.

Des procédures de médiation ou de conciliation ainsi qu'un droit de recours administratif ou juridictionnel devraient être organisés en cas de contestation d'un plan ou programme côtier ou d'un projet d'implantation d'un ouvrage ou d'une activité sur la zone côtière.

Q6. L'APAL dispose d'un observatoire du Littoral et des écosystèmes côtiers, en plus de l'observatoire tunisien de l'Environnement et du développement durable (OTEDD).

Q7. La stratégie méditerranéenne de gestion intégrée des zones côtières pourrait être la base pour l'élaboration de la stratégie nationale ; elle pourrait fixer les orientations du développement durable de la zone côtière qui devront inspirer les stratégies nationales.

Q8. Le Cadre législatif tunisien accorde une attention particulière aux zones côtières :

- Promulgation de la loi relative à l'exercice de la pêche, de la loi relative au code du patrimoine archéologique, historique et des arts traditionnels, de la loi relative au DPM, de la loi instituant un plan national d'urgence,...
- Promulgation du décret de la réglementation des procédures d'élaboration des études d'impact, du décret de la création de la Commission Nationale pour le Développement Durable, du décret du code de l'aménagement du territoire et de l'urbanisme, ...

Le protocole fixera les orientations du développement durable de la zone côtière : ainsi la stratégie nationale de gestion intégrée des zones côtières et les plans et programmes côtiers

de mise en œuvre seront établis dans le respect des objectifs et principes de gestion intégrée du Protocole. Ce dernier serait intégré d'une manière indirecte comme instruments de planification spatiale.

Q9. Les EIE ont un pouvoir contraignant en Tunisie puisque tout projet doit être soumis pour approbation à l'ANPE (décret des EIE) et doit avoir un accord préalable de l'APAL (Art4 :... les projets d'aménagement et d'équipement sont obligatoirement soumis à l'approbation préalable de l'Agence.).

Il faudrait peut être revoir les procédures d'approbation des EIE en associant d'avantage les ONG et le public.

Q10. La loi de création de l'APAL n°95-72 du 24 juillet 1995, prévoit ce qui suit :

Article 6 : L'agence peut, conformément aux procédures en vigueur, bénéficier selon le cas du transfert de la gestion ou de l'affectation de parties du domaine public ou privé de l'Etat ou du domaine public soumis au régime forestier qui constituent des espaces naturels ou libres nécessitant protection. L'Agence assure la gestion des immeubles qui lui sont confiés ou affectés, conclue tous les accords et assume les engagements qui s'y rattachent.

Article 7 : L'Agence prend en charge la gestion, la conservation et la préservation des terres qui sont mises à sa disposition. Elle peut transférer l'exploitation des espaces aménagés à un établissement public ou privé ou à une association autorisée et ce dans le cadre d'un accord fixant notamment la contrepartie financière et sur la base d'un cahier des charges qui fixe les usages, les modes de gestion et de préservation et les travaux autorisés qui contribuent obligatoirement à la réalisation des objectifs de l'Agence.

Article 8 : Un décret fixe les zones sensibles, qui sont des zones caractéristiques du patrimoine naturel national ou présentant un ensemble d'éléments dans un éco-système fragile ou constituant un paysage naturel remarquable, menacé par la dégradation ou par l'utilisation irrationnelle.

*Pour la conservation des zones sus-visées, **L'Agence peut avoir la maîtrise des immeubles soit par leur acquisition à l'amiable, soit le cas échéant par leur expropriation par l'Etat à son profit conformément à la législation en vigueur relative à l'expropriation pour cause d'utilité publique.***

L'Agence peut aussi, dans les cas où elle le juge opportun, conclure des accords de partenariat avec les propriétaire des terres situées dans les zones sensibles. Les propriétaire s'engagent dans ces accords à gérer leurs terres conformément à un cahier des charges approuvé par le Ministre chargé de l'environnement.)

Q11. L'Adoption d'instruments financiers et économiques pertinents destinés à accompagner les initiatives locales, régionales et nationales relatives à la gestion intégrée des zones côtières sont nécessaire pour la mise en œuvre d'une gestion durable

L'institution de taxes et des redevances destinées à dissuader et prévenir les activités dommageables à la zone côtière et dont le produit sera consacré à l'entretien et à la gestion des espaces côtiers, pourrait être envisagé.

Mais **des études très sérieuses doivent être menées au préalable** pour étudier leurs faisabilité sociale, économique et environnementale.

Q12. La nécessité de coordonner les stratégies nationales, plans et programmes côtiers de gestion des zones côtières frontalières devra être bien établi et cadré (directement ou avec l'aide du Centre ou des organisations internationales concernées,...). Les entités locales et régionales sont associées aux travaux de coordination.

Q13. 70% des dispositions proposées dans le projet de Protocole sont déjà en vigueur dans notre pays

Q14. Nécessité d'adapter cette approche au contexte national de chaque pays notamment par rapport à :

- la conscience environnementale des citoyens
- le contexte social
- les conditions économiques
- l'aspiration au développement...



Découpage par délégation



Découpage par Gouvernorat

TURKEY

EARLY SCREENING TEST; by Ms. Gulsun Yesilhuyuk

Q1. Turkish experience in the coastal zone definition: Within the framework of Black Sea Environmental Programme (Bucharest Convention) Advisory Group on ICZM studies, the National Black Sea Coastal Zone boundaries were discussed and determined in a series of meetings organized by the Ministry of Environment in which all the related organizations and persons were participated. The decisions taken in these meetings were published in the Turkish National ICZM report and in the National Progress Report. 14 provinces the Black Sea coast, except Istanbul, were considered as suitable operational units for the project and their provincial boundaries were accepted as ICZM boundaries in the direction of land. For the boundaries in the direction of the sea, the "Restricted Economic Region Boundary" which was agreed upon with the old USSR, and which divides the Black Sea into two equal parts, thus providing possibilities of control to the adjacent countries, was accepted. These coastal zone boundaries were submitted for approval on October 30, 1995.

In Turkey, to have better coordination among the governmental bodies and to have the data collection periodically, the best way is to select the provincial borders. However, in Mediterranean Region, some cities have large area and the administrative border is very wide. In this case the border could be limited by the coastal district administrative border. In the map you can see administrative border of all coastal cities.

Q2. In Turkey, almost all the public administration is related with coastal zone. That's why, an Integrated Coastal Zone Management Model requires an institutional organization that basically provides vertical and horizontal cooperation and integration. State Parties should make arrangements suitable to its own institutional framework. .

Q3. Free access of pedestrian is guaranteed by the Turkish Constitution and Shore Law.
Turkish Constitution (9.11.1982)

Article 43 of the Turkish Constitution is devoted to the shores and shore strips; it states: 'Shores are under the jurisdiction and responsibility of the State. In benefiting from the sea, lake and river shores, and from shore strips bordering sea and lake shores, benefit to the public is primarily sought. The widths of shores and shore strips, in relation to purpose of use, possibilities and conditions for people to benefit from these places, are set up by-law.'

Shore Law (4.4.1990 Amendment 1.7.1992)

According to Article 6, the shore is open to benefit of all, equally and freely. It is illegal 'to excavate the shore, and to mine sand, gravel etc. at scales which may cause changes at the shore'. Soil, furnace ballast, debris, or wastes are forbidden to be dumped at the shore and shore strip.

Q4. Beside all economic activities urbanisation is also important for Turkey. Rapid urbanisation, along the coastal zone, has resulted significant problem in Turkey. Some rules related with urbanization or secondary houses may be added.

Codes of good practice shall be formulated for all sectors by the public authorities.

	Economic activities
Mediterranean Sea	Agriculture, tourism, energy, ports, maritime infrastructure, fishery
Aegean Sea	Agriculture, tourism, fishery
Marmara Sea	Industry, energy, ports, fishery
Black Sea	Fishery, agriculture

Q5. Out of 60.000 voluntary organisations, associations and foundations active in Turkey, about 4.000 are involved in addressing environmental issues. Environmental NGOs have been particularly active in raising and addressing issues concerning coastal zone management, protection of endangered species, erosion, industrial chemicals and nuclear power plants.

The actions towards initiating public awareness of especially the Central Government, the contributions of the State Planning Organization(SPO), Ministry of Environment and Forestry and other authorities related with the subject to the implementation of the National Action Plans together with the revisions made in the course plans of primary and high school education were started to be taken.

In the EIA procedure and the Settlement Law, “public hearing” is the compulsory.

Some environmental NGOs have been actively involved in ICZM, have taken role national committees such as monk seals and sea turtles.

Within the “Implementation of Local Agenda 21 In Turkey”, in a significant number of the project cities, the working groups established such as women and youth platforms, biodiversity, urban transportation, ICZM, etc....In Foça, the Local Agenda 21 process was also launched in 1998. A number of ongoing environmental activities in Foça, including the preservation of Mediterranean Seals, became integrated with the Local Agenda 21 process. In some cities, the city council take into account the decisions of local agenda and implemented by the municipality.

Q6. Turkey is also one of the partner of MED-Env project which is aiming to improve statistical infrastructure of environmental statistics of Mediterranean countries which is non-member of EU. First phase of the project was held between 1999-2003 and priority topics waste, water and land use were tackled (uğraşmak). Second phase of the project is started in 2003 and air emissions, bio-diversity and sustainable development indicators will be studied in this phase. Turkey will prepare the report on marine and coastal environment at the end of 2005.

Q7. Turkey have prepared National Environmental Action Plan which covers ICZM chapter. NEAP defined the short term activities. Unfortunately, no steps have been taken. Mediterranean Strategy for Integrated Coastal Zone Management will contribute to national coastal strategy.

Q9. The EIA regulation put in force in 1993 and amended in 1997 and 2004 to eliminate problems encountered during its implementation. There is a significant need for personnel qualified to conduct EIAs, both in public and the private sectors. Managers and consultants from a growing number of companies are being trained for this purpose.

Environmental impacts of the classified activities will be subjected to Environmental Impact Assessment (EIA) studies. The conditions of implementation of EIA and the cases are stated in the EIA regulation (amended in 1997 and 2002 in the direction of 85/337/EEC and 97/11/EC) of the National Environmental Law (no 2872/1983-rev.2004). These conditions include classification of the activity, determination of background environmental state for soil, water, air, groundwater and existing sound level for the proposed alternative sites, determination of the impacts during construction and normal operation periods as well as the closing state of the activity. Compliance of the standards are also required and checked by the authorities. These measures are regularly updated taking into account the environmental priorities and potential needs by Ministerial level.

Adoption And Implementation of EU Sea Directive In Turkey Project:

The Ministry of Environment and Forestry executed a project with the title “Adoption and Implementation of Strategic Environmental Assessment (SEA) Directive (2001/42/EC) in

Turkey” to design a SEA approach for Turkey. The Directive provides a framework regarding the assessment of the effect of certain socio-economic and physical environmental plans and programs. The purpose of the project is to develop institutional and legal infrastructure for the implementation of EU SEA Directive in Turkey. The Draft regulation has been prepared in April 2005

Q10. -

Q11. According to Environmental Law And its Related Regulations and Shore Law theeconomic instruments are applied

1-SUBSIDIES

a. Environmental Pollution Prevention Fund Regulation (EPPF):

The Regulation aims to provide financial assistance for the investments and the projects concerning abatement of environmental pollution. According to the this regulation, Ministry of Environment (MOE) covers 45 % of the total cost of the projects and the investments; such as environmental clean up operations, environmental education, environmentally sound technologies, and construction of treatment plants, reforestration, stream rehabilitation and geothermal energy development.

b. Specially Protected Areas Fund:

The Fund is used for the construction and the maintenance of technical and social infrastructure, clearance of the Specially Protected Areas, purchasing of the technology and the equipment, assistance in the form of credit to the persons and the legal entities for the construction of the treatment plants in the Specially Protected Areas.

2-FINANCIAL ENFORCEMENT

According to the Turkish Environment Law, there are two different penalties.

a-Penalties Given by the Courts:

The enterprises must inform regularly the Ministry of Environment about the quantity and the quality of the discharged pollutants. The one who do not obey this rule is punished by the court.

b.1-Administrative Penalties:

In the Regulation on Fines Imposed on Ships and other Marine Vessels, the procedures for levying fines and receipts to be issued there are three different official authorities.

- Metropolitan Municipality Mayors Offices
- Coast Guard Boat Commanders
- Provincial Administrative Head

-Metropolitan Municipality Mayors Offices

Penalties for polluting Turkey’s coast, straits, harbours and bays and rivers and lakes within the boundaries or the Metropolitan Municipalities shall be imposed by the offices of the Metropolitan Municipal Mayors.

-Coast Guard Boat Commanders;

Penalties for pollution outside the boundaries of harbours and in seas outside of the Metropolitan Municipal areas shall be imposed by the highest representative of the central government in the area.

-Provincial Administrative Heads;

Penalties for polluting the sea ad all lakes and waters within the boundaries of harbours outside metropolitan municipal areas are imposed by the highest provincial administrator.

According to the same regulation administrative penalties for ships and other marine vessels

b-2 FINES:

a- Takers dumping dirty ballast

b- All other marina vessels tankers included that discharge waters residues or bilge of any kind, or ships, excluding tankers, that discharge dirty ballast water:

Water Pollution Control Regulation;

The Regulation aims to develop and extend opportunities for making use of water resources introduce a system of classification according to the quality of the dams, lakes, waterfalls, ponds and other similar inland surface water areas. Underground water resources and shore and sea water which make up the country's water resources and makes discharge of all kind of pollutants subject to permission so as to prevent water pollution.

The ones who fail to comply with this Regulation punished in accordance with the Environmental Law.

3-CHARGES

Charges, which are used for the provision of income of the EPPF, are

- a) One-tenth of the fees collected for motor vehicle inspections in accordance with the Highway Traffic Law,
- b) Certain amount of money per ton of cargo and 0.2 percent of the price of each passenger ticket on domestic flights of air transport planes,
- c) Certain amount of money per gross ton to be collected annually from all seagoing vessels registered in the ships register in accordance with the provisions of Turkish Commercial Code,

And participatory shares in the Fund of the following:

- d) Annual allocations for this purpose from the General Directorate budget.
- c) Fines paid in accordance with Environmental Law no.2872,
- d) Interest on credit supplied from the Fund,
- g) All donations and grants made to the Fund.

The enterprises, which cause environmental pollution, pay an amount of participation share. This share's 70% is transferred to the EPPF.

According to Coastal Law

According to the Coastal Law and its Regulation, the penalties are implemented by the Municipalities within the boundaries of municipalities and by the governorships, outside of the boundaries of municipalities. Fines are applied directly by mayor of the Municipality or the governor.

Penalties are used as financial enforcement will the frame of the provisions of the Coastal Law and its Regulation with the below activities are realized:

- a) construction of wall, fence, wire, ditch, etc. and the extraction of sand and gravel ,
- b) destruction of the environment by dumping garbage, slag and rubble,
- c) destruction of the ecological balance by large amounts of sand and gravel extraction.

Q12. -

ANNEX IV

Answers to an Early Screening Test provided by the Region of Sardinia

SARDINIA, Italy

EARLY SCREENING TEST; by Mr. Giovanni Carta

Quesito 1

Nell'articolo 3 viene data la copertura geografica del protocollo. Opterebbe per la seguente definizione di zona costiera: "il confine della zona costiera rivolto verso il mare è il limite esterno delle acque territoriali degli Stati Parte; il confine della zona costiera rivolto verso la terra è il limite territoriale delle unità amministrative locali costiere" oppure, per il suo paese sarebbe preferibile un approccio più flessibile? Potrebbe mostrarci una mappa schematica per illustrare le zone costiere del suo paese fornendo anche gli argomenti che hanno portato a tale decisione?

Risposta

La definizione in linea di principio è corretta, andrebbe integrata nei seguenti termini: "il confine della zona costiera rivolto verso la terra è il limite delle unità amministrative locali costiere ovvero quello posto dalle delimitazioni della pianificazione ambientale che le ricomprende".

Tale proposta nasce dal processo di pianificazione paesistica in atto nella nostra regione che comprende la fascia costiera secondo una delimitazione che parte dalla delimitazione amministrativa dei Comuni costieri per comprendere quelle zone più interne che con la costa condividono valori ambientali, paesaggistici ed idrogeologici.

Quesito 2

Al momento il coordinamento istituzionale rappresenta uno dei maggiori ostacoli in molti paesi in cui si discute dell'attuazione dei principi della gestione congiunta delle zone costiere. Sarebbe pensabile l'istituzione di un ente che possa assicurare un miglior coordinamento tra le varie autorità marittime e terrestri nei diversi servizi amministrativi delle zone costiere? (ved. Articolo 6)

Risposta

La Regione Sardegna ha già provveduto all'istituzione del Conservatore delle coste sul modello francese del Conservatoire du littoral. Esso si propone proprio di esercitare una funzione di coordinamento delle diverse competenze amministrative che oggi sono presenti in materia di coste. Il primo obiettivo è quello di coordinare le diverse competenze che fanno capo alla Regione ed ai Comuni costieri.

Quesito 3

Le Parti devono assicurare che l'utilizzo delle zone costiere sia tale da preservare l'integrità degli habitat naturali, dei paesaggi, delle risorse naturali e degli ecosistemi costieri (ved. Articolo 7).

Ritiene appropriata l'esistenza di una frangia di terreno non edificabile di non meno di [100 metri]? Perché?

Qual è la sua opinione sulle altre norme, come ad esempio la limitazione dell'estensione lineare dello sviluppo urbano/dei trasporti lungo la costa?

Nel suo paese viene garantito il libero accesso pedonale al mare?

Risposta

Nella Regione Sardegna, sin da 1975, vige un divieto di edificazione costiera esteso a tutta la fascia costiera dei 150 metri dal mare.

Tale limite è stato esteso, nel 1989, alla fascia dei 300 metri dal mare.

Tali limiti consentono una più adeguata programmazione degli interventi privati unita ad una salvaguardia e valorizzazione della qualità delle coste. Proprio per questo sono consentite solo le opere pubbliche o di interesse pubblico.

Oggi vige una misura cautelare temporanea che fa divieto di nuove edificazioni nella fascia costiera dei 2000 metri dal mare e che consentirà salvaguardare gli ecosistemi costieri e di programmare un nuovo modello di sviluppo turistico sostenibile.

Il libero accesso al mare è garantito dal regime demaniale pubblico delle spiagge e dalle disposizioni urbanistiche che impongono ai Comuni di predisporre appositi piani di accesso al mare di tipo pedonale e con minimo impatto ambientale.

Quesito 4

Quale importanza hanno nella sua zona costiera le seguenti attività economiche: agricoltura e industria; produzione di molluschi/crostacei, acquacoltura e pesca; turismo e sport e attività ricreative; utilizzo delle risorse naturali; energia e porti, infrastrutture e lavori marittimi?

Ritiene che le regole proposte per guidare queste attività (Articolo 8) siano abbastanza specifiche?

Che tipo di ostacolo o difficoltà può prevedere per la loro attuazione?

Risposta

Tutte queste attività sono presenti, in varia e differente misura, lungo tutte le coste della Sardegna. Le regole proposte nell'art. 8 trovano rispondenza in parte nel quadro legislativo esistente e vanno, comunque, nella direzione perseguita dall'Amministrazione della Regione Sardegna.

Quesito 5

La partecipazione delle parti interessate e del pubblico in generale al processo decisionale è di fondamentale importanza. L'articolo 12 affronta questa problematica. Dal punto di vista delle norme istituzionali e in generale del sistema politico del suo paese, l'attuazione di questa norma creerebbe alcuna difficoltà?

Se questo fosse il caso, come viene regolata la partecipazione pubblica nel suo paese?

Questo punto si presta particolarmente bene per essere presentato attraverso un semplice diagramma.

Risposta

L'articolo 12 trova rispondenza in diverse disposizioni legislative vigenti a livello nazionale e regionale, per cui la sua attuazione non comporta difficoltà particolarmente evidenti.

La partecipazione è prevista sia nella fase di predisposizione degli atti di pianificazione e programmazione territoriale sia nella fase di emanazione dei provvedimenti amministrativi che abilitano i cittadini alla edificazione ed alla trasformazione del territorio.

Nel caso degli atti di pianificazione territoriale è previsto che l'atto deliberativo sia preceduto, normalmente, da una "istruttoria pubblica" cui partecipano tutti i cittadini che sono o possono essere interessati, compresi quelli che sono portatori di interessi collettivi.

Nel caso degli atti amministrativi è previsto che il cittadino richiedente possa discutere e contrattare il contenuto del provvedimento ovvero possa presentare le sue deduzioni in caso di diniego o di accoglimento parziale della sua istanza. In alcuni casi è data facoltà anche ai cittadini, singoli o organizzati, di chiedere informazioni e di presentare deduzioni in ordine all'accoglimento della richiesta presenta all'autorità pubblica per la sua approvazione.

A seguito dell'approvazione della normativa regionale sulla VAS verrà rafforzata la partecipazione popolare ai processi di pianificazione e programmazione.

Quesito 6

Le parti dovrebbero creare degli osservatori e preparare e aggiornare regolarmente degli inventari nazionali delle zone costiere, così come dall'Articolo 14. Cosa ne pensa?

Risposta

La Regione Sardegna sta attivando, grazie ad una recente legge, l'Osservatorio sulla qualità urbanistica e paesaggistica del territorio regionale che terrà in particolare considerazione le zone costiere, visto e considerato che si sta predisponendo il Piano Paesaggistico delle Coste. Esiste, anche se non adeguatamente aggiornato, l'elenco delle spiagge e dei litorali di particolare interesse turistico e balneare.

E' stato predisposto un piano d'azione per il monitoraggio ambientale, a cura dell'Agenzia regionale per la protezione ambientale, che prevede investimenti, su fondi POR, per rafforzare la conoscenza ed il monitoraggio dello stato ambientale costiero sia rispetto alle matrici ambientali che agli ecosistemi.

Quesito 7

Secondo lei la ICZM, così come prevista dall'Articolo 15, contribuisce alla soluzione di problemi nell'ambito di strategie nazionali di questo tipo?

Quali elementi si attende che questo strumento regionale le fornisca ai fini della strategia nazionale?

Risposta

La ICZM contribuirà certamente alla soluzione dei problemi costiere dei singoli paesi, ma soprattutto consentirà di procedere in maniera coordinata, specie per quelle regioni costiere confinate, in modo da garantire una coerenza nelle politiche di tutela e di salvaguardia ambientale delle coste nonché per uno sviluppo veramente sostenibile e durabile.

Quesito 8

Le norme legali del suo paese (ad esempio la legislazione per la pianificazione territoriale; le leggi settoriali per pesca, trasporti, protezione naturale, agricoltura, sviluppo urbano etc) prestano attenzione specifica alle tematiche delle zone costiere? Cosa ne pensa della preparazione di una strategia nazionale obbligatoria per ICZM e per l'attuazione di piani e programmi costieri (ved. Articolo 16)?

In quale rapporto sarebbero con i piani territoriali del suo paese?

Potrebbero essere separati/integrati agli strumenti di pianificazione/sviluppo territoriale esistenti?

Risposta

In tutta la legislazione di tutela ambientale, sia nazionale che regionale, le coste rappresentano un punto nodale di attenzione e di salvaguardia ambientale e paesaggistica.

Per quanto riguarda la Sardegna, oltre il divieto di edificazione nella fascia costiera dei 300 metri e la misura di provvisoria salvaguardia nella fascia dei 2000 metri, vigono diverse disposizioni che limitano l'attività di pesca per determinati periodi dell'anno onde garantire il ripopolamento ittico, altre disposizioni pongono limiti all'attività negli stagni costieri, altre ancora limitano l'attività diportistica.

Il complesso delle norme esistenti può essere utilmente coordinato in una logica unitaria di salvaguardia costiera in modo che la loro efficacia sia garantita ed effettiva, a questo può soccorrere in Sardegna, l'istituzione del Conservatore delle coste.

La strategia ICZM è totalmente condivisibile ma la sua elaborazione ed attuazione – nei casi delle regioni insulari come la Sardegna – deve essere affidata interamente alla Regione e non solo allo Stato.

I contenuti della ICZM sono da connettersi con gli strumenti di pianificazione vigenti nella nostra legislazione quali: il Piano Paesaggistico delle Coste, il Piano di Assetto Idrogeologico, i Piani dei Parchi terrestri e marini, il Piano di Utilizzo dei Litorali ed i Piani urbanistici Provinciali e Comunali. Particolarmente significativo il Piano di Assetto organizzativo dei litorali adottato dalla provincia di Cagliari.

I contenuti della ICZM dovranno essere riversati anche sulle politiche settoriali in atto ed a questo scopo un ruolo importante viene assegnato alla nuovo istituto del Conservatore delle Coste.

Quesito 9

Le valutazioni ambientali (EIA, SEA) nel suo paese hanno già valore legale vincolante?

Ritiene che la specifica sensitività delle zone costiere sia già considerata in questi studi a un livello soddisfacente?

Risposta

Gli istituti di valutazione ambientale sono già disciplinati nel nostro ordinamento regionale ad esclusione della Valutazione ambientale strategica per cui si sta apprestando una specifica norma di legge.

Le coste sono sempre al centro dell'attenzione anche se al riguardo si sta incrementando l'impegno di tutela e salvaguardia.

Quesito 10

Le norme che regolano la proprietà terriera variano sostanzialmente tra i diversi paesi del Mediterraneo. Con in mente la preservazione delle aree non urbanizzate e permettendo l'accesso pubblico a scopo ricreativo e di svago, l'Articolo 18 propone che i paesi adottino dei meccanismi per l'acquisizione di terreni a pubblica proprietà, per la cessione di domini pubblici e per il controllo di qualsiasi nuovo sviluppo urbano, e che i paesi possano imporre servitù prediali sui terreni.

Esistono già nel suo paese delle leggi che regolano questa materia?

Cosa significherebbe per il suo paese l'introduzione di norme di questo tipo?

Risposta

La Regione Sardegna condivide pienamente questa impostazione tanto che con l'istituzione del Conservatore delle Coste si prevede proprio un piano di acquisizione e di gestione di aree e di beni immobili costieri.

L'introduzione di questo istituto consentirà alla regione di salvaguardare al massimo le aree costiere più pregevoli e di sperimentare nuove ed innovative pratiche di gestione ambientale del territorio anche in senso orientato ad uno sviluppo turistico sostenibile.

Allo stato attuale la Regione ha avviato le procedure di coordinamento, preliminari all'istituzione del Conservatore delle Coste, quanto prima la Giunta regionale presenterà il disegno di legge istitutivo.

Quesito 11

L'attuazione di strategie, piani e programmi costieri richiede la presenza di sostanziosi strumenti finanziari ed economici. Secondo l'Articolo 19 le nazioni verrebbero obbligate all'adozione di questi strumenti.

Una soluzione di questo tipo sarebbe favorevole per il suo paese?

La preghiamo di indicare alcune ragioni pro e contro.

Quali strumenti sono presenti nel suo paese?

Risposta

Non c'è dubbio sul fabbisogno finanziario rilevante per l'attuazione di una efficace strategia di tutela e salvaguardia costiera.

Tale fabbisogno potrebbe essere soddisfatto già da oggi indirizzando verso questi fini parte dei proventi ricavati dall'attuale sistema di imposizione immobiliare a gestione statale e locale.

Le ragioni a favore di questo impegno finanziario sono quelle di una elevazione del livello della qualità dell'ambiente e del paesaggio con positive ricadute sull'offerta turistica che potrebbe conquistare nuove e più redditizie fasce di mercato.

I possibili impatti negativi potrebbero derivare dall'adozione di una strategia innovativa senza che vengano mutati e razionalizzati gli strumenti di governo del territorio oggi esistenti.

Il problema, infatti, è solo parzialmente economico. Con una efficace strategia ed una razionalizzazione degli strumenti di tutela esistenti, semplificandoli e rendendoli più trasparenti e partecipati, possono conseguirsi obiettivi significativi senza eccessivo dispendio di risorse.

Quesito 12

In base agli accordi istituzionali e agli obblighi derivanti da trattati internazionali di cooperazione in vigore nel suo paese, ci sarebbero difficoltà nel coordinamento delle sue strategie costiere, di piani e programmi per la gestione delle zone costiere con i paesi confinanti (Articolo 24)?

Cosa dice della valutazione dell'impatto ambientale per attività, piani e programmi in territori che si estendono su diversi confini nazionali se è possibile che questi abbiano effetti negativi sulle zone costiere di altri Stati (Articolo 25)?

Risposta

Le eventuali difficoltà che potrebbero esserci, nel caso dei rapporti con la Corsica, dovrebbero essere comunque superabili in quanto esistono rapporti già abbastanza buoni anche grazie al Programma comunitario INTERREG.

Una collaborazione più approfondita è auspicabile, anche perché la Sardegna nel suo percorso per l'istituzione del Conservatore delle Coste potrà avvalersi dell'esperienza maturata in Corsica con Le Conservatoire du littoral.

In un contesto di collaborazione tra regioni rivierasche confinanti è chiaro che il problema del coordinamento dei processi di valutazione ambientale si pone e può anche essere affrontato e risolto con l'intensificazione dei rapporti di collaborazione.

La normativa VAS in corso di predisposizione prevede espressamente specifiche modalità di consultazione transfrontaliera nel caso di piani e programmi che abbiano impatti significativi sui paesi confinanti.

Quesito 13

Può fornirci un indicatore generale in forma percentuale (%) sul numero delle proposte previste dalla bozza del Protocollo già esistenti nel suo paese?

Risposta

La percentuale può essere individuata intorno al 50-60%, per i seguenti motivi.

I principi e gli obiettivi generali trovano generalmente accoglimento nella legislazione ambientale ed in quella dei diversi settori che riguardano la fascia costiera (art. 5)

Il coordinamento istituzionale (art. 6) è carente ed episodico

Le modalità di protezione trovano rispondenza nelle varie legislazioni di settore (art. 7)

Solo in parte le attività economiche insistenti sulla costa sono disciplinate in termini di sostenibilità (art. 8)

Gli ecosistemi particolari sono tutelati con la disciplina dei parchi terrestri e marittimi (art. 9)

Il contrasto all'erosione costiera si sta avviando ora (art. 10)

La tutela del patrimonio culturale, la partecipazione e la pubblicizzazione, formazione e ricerca sono abbastanza avanzati (artt. 12 e 13)

Gli osservatori sono da coordinare oltre che da attivare in maniera compiuta (art. 14)

Le strategie nazionali e regionali riguardanti la tutela costiera sono in fase di definizione (artt. 15 e 16)

La disciplina delle valutazioni ambientali è quasi completa ma non sufficiente, manca la VAS e la VIA è da perfezionare (art. 17)

La politica fondiaria di acquisizione è solo agli inizi, a fronte di un vasto patrimonio pubblico non gestito in termini coordinati (art. 18)

Così pure la politica fiscale e finanziaria degli investimenti per la tutela (art. 19)

Quesito 14

La preghiamo di aggiungere eventuali commenti, suggerimenti e osservazioni.

Risposta

Per la Sardegna riveste particolare rilevanza la problematica delle servitù militari sulle aree costiere. Per esse si pongono delicati problemi di recupero e di bonifica a seguito della loro dismissione ma anche e soprattutto problemi di controllo e di monitoraggio ambientale per quelle ancora attive.

Resta centrale la necessità di ridurre tali servitù per gli effetti che comunque provocano in termini di inagibilità, rischio di inquinamento del territorio, etc.