

# Regulatory Framework

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<b>Project Acronym</b>	CREW
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<b>Partner in Charge</b>	Agency for Occupation and Development in North Barese / Ofantina Area
<b>Partners involved</b>	All partners
<b>Status</b>	Final
<b>Distribution</b>	Public

Notes:

1) D.4.2.1 Regulatory framework REPORT

The REPORT is the collection and analysis of all the dossiers produced by PPs. Each dossier will collect the regulation background related to water management within each target area explaining laws, rules, procedures, plans, policies, and levels of jurisdiction in the field of wetlands management.

2) The template filled in by each PP is inspired by and coordinated with the documentation elaborated in the Project WETNET financed under Interreg MED Cooperation Programme to increase information share, data and opportunities of confrontation.

Authors: UNICAM

## **REPORT OF REGULATORY FRAMEWORK**

(deliverable 4.2.1)

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## A. EXECUTIVE SUMMARY

### I. Overview

Wetlands in the cross-border area of Italy and Croatia are vulnerable interconnected environments, hugely contributing to biodiversity. Their protection intertwines scientific-environmental aspects and governance concerns.

The CREW project co-financed by the European Regional Development Fund through the Italy - Croatia CBC Programme, aims at ensuring higher coordination between different level of spatial planning and authorities in charge for wetlands management, whilst limiting conflicts between preservation issues and economic activities. The main objective of the Project is to protect the biodiversity in Italian and Croatian coastal wetlands by the implementation of a coordinated methodology for wetlands management (Wetland Contract) in coherence with the ICZM principles.

The **Wetland Contract** tool is a multistage process that starting from the definition of a structured and integrated knowledge base leads to the signature of a formal Agreement and the realization of the activities foreseen in the Action Plan.

In fact, the first stage of the process is the context analysis collection:

- 4.2.1 “Regulatory framework”
- 4.2.2 “Scientific description”
- 4.2.3 “Stakeholders’ map”

The **regulatory framework** analysis focuses the regulation background related to water management within each target wetland explaining laws, rules, procedures, plans, policies, and levels of jurisdiction in the field of wetlands management. It is detailed in two levels.

National level:

- management plans/regulations of wetlands foreseen at national level;
- relevant strategies and governance tools at regional/local level concerning protected wetlands management.

Pilot area level:

- international/European/national protection levels and rules applicable for the pilot wetland;
- regional/local regulatory framework relevant for the management of the pilot wetland.

The present **Report** is the result of the analysis and systematization of the scientific surveys produced by each partner filling out a template structured by UNICAM to have comparable and preparatory information about the regulatory framework at both national and pilot areas levels.

## **II. Findings**

Wetlands governance and management are regulated by several international and European conventions and Directives: Ramsar Convention, Convention on Biological Diversity, EU Birds Directive, EU Habitats Directive, EU Water Framework Directive, EU Flood Directive.

Although wetlands governance should require an integrated perspective, analysing the information reported by project partner it can be noted how the protection and management of pilot wetlands is expressed through a huge amount of sectoral strategies and tools implemented at different levels.

In Italy, the reference regulatory framework for the environmental sector is mainly represented by Environmental Code (that also recognize the River/Wetland Contract as voluntary strategic planning and negotiated instrument for river/wetland management with the article 68-bis), while Croatia reports a number of laws/plans and strategies at national level for regulating wetlands management (focusing in particular on biodiversity protection and conservation).

On the contrary, at pilot area level it can be noted that the Italian regulatory framework is more complex and fragmented including several different sectoral plans (e.g. spatial plans, water management plans, flood risk management plans, protected areas plans, etc.) that frequently overlap.

Finally, the seven pilot wetlands result to be highly protected including: 3 Ramsar sites, 6 Important Bird Areas, 1 UNESCO site, 11 Sites of Community Importance, 9 Special Protection Areas, 5 Special Conservation Zones, 1 Regional Nature Reserve, 1 national Park, 1 regional Park, 1 Special Reserve at national level; 1 Special Ornithological Reserve at national level and 1 Significant landscape.

## B. REPORT

### I. National regulatory framework for wetlands protection, management and governance (template sections A.1-A.2-A.3)

In **Italy**, the reference regulatory framework for the environmental sector is mainly represented by Legislative Decree No. 152 of 2006, also called the **Environmental Code**. The Italian Environmental Code contains rules on soil protection, combating desertification, protection of water from pollution and management of water resources. The defence of the soil and the fight against desertification, the protection of water from pollution and the management of water resources, is reported in part III of the Environmental Code. In particular, article 24 establishes that for each project, the direct and indirect effects of its realization that concern humans, flora, fauna, soil, surface and groundwater, air, must be considered. The climate, the landscape, the material goods, the cultural and environmental heritage and the interaction between the factors mentioned above. To this end, authorities are recognized who are ready to achieve the aforementioned objectives. In 2016 a specific article on river contracts was introduced, defining them as voluntary strategic planning and negotiated instruments that pursue the protection, the correct management of water resources and the valorisation of riverine territories together with the safeguard from the hydraulic risk, contributing to the local development of these areas (Part 3, Section 1, Title 2, Chapter 2, Article 68-bis). This code is complemented by hydrographical district planning at the catchment and sub-catchment level, by regional and provincial strategic planning instruments, by spatial planning instruments and by regional documents containing guidelines and base level requirements of river contracts.

Another instrument reported by the Italian partners is the **Cultural and landscape heritage Code** (D. Lgs. 42/2004) that regulates land use management. It aims to ensure the protection and enhancement of cultural heritage, as they contribute to preserving the memory of our national community and its territory and promoting the development of culture.

On the contrary, the **Croatian** partners reported an abundant list of regulations and strategies:

- **Environmental Protection Act** A fundamental Croatian law for defining environment protection through Croatia's environmental policy and Croatia's sustainable development policy; defines basic concepts related to sustainable development and defines state institutions, their powers and obligations in drafting relevant policy documents related to natural resources. It provides a general framework for various instruments aim of which is to prevent damage to the environment from human intervention.
- **Nature Protection Act** (80/2013, 15/2018, 14/2019) The Act regulates the whole system of nature protection in an integral way – biodiversity, geodiversity and landscape diversity. It covers issues

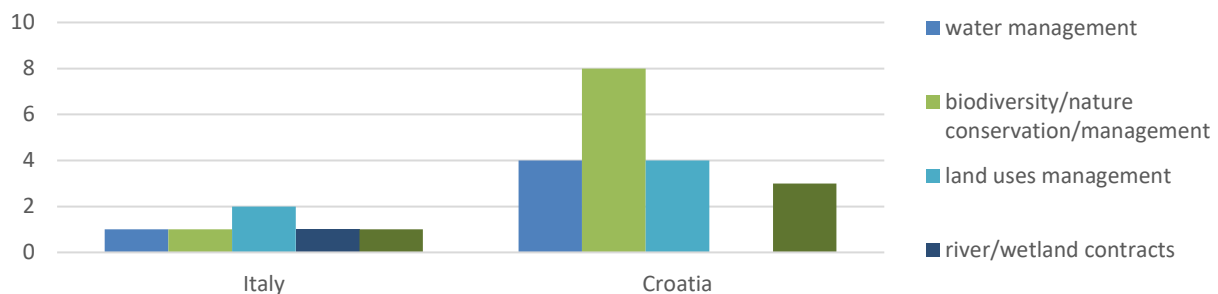
such as protected areas and other natural values, management of protected areas, management of ecological network (Natura 2000), and so on.

- **Act on Water (66/2019)** This Act regulates the legal status of waters, the water estate and water management facilities, management of water quantity and quality, protection from adverse effects of water, detailed amelioration drainage and irrigation, special activities for the purposes of water management, institutional organisation of performing these activities, and other issues related to waters and the water estate. Wetland areas are mentioned in Article 40 related to the water protection where besides others, aims to „prevent further deterioration, to protect and improve the status of water ecosystems and, in view of the need for water, land ecosystems and wetland areas directly dependent on water ecosystems“ and „to prevent further deterioration and to protect and improve the status of water ecosystems and, in view of the need for water, land ecosystems and wetland areas directly dependent on water ecosystems“.
- **Act on the prevention and management of the introduction and spread of alien and invasive alien species (65/2018, 14/2019)** The Act regulates management of invasive alien species of Union concern and alien species of Croatian concern, in order to prevent or diminish their adverse impact on biodiversity, ecosystem services and/or public health as well as on local economy.
- **Regulation on Ecological Network and the Competence of Public Institutions for Management of the Areas of Ecological Network (80/2019)** This Regulation establishes referent list of species and habitat types which require proclamation of ecological network, including priority and wild species and habitats, scientific criteria for establishing the areas of ecological network, and jurisdiction of public institutions for management and management plans of ecological network areas.
- **Ordinance on the List of Habitat Types, Habitat Map, and Threatened and Rare Habitat Types (88/2014)** This Ordinance defines the list of habitat types, habitat maps and rare and endangered habitat types, including priority habitat types of Union concern, which have to be maintained in positive conservation status.
- **Ordinance on the conservation objectives and main measures for bird conservation in the area of the ecological network (15/2014)** This Ordinance regulates conservation objectives and main measures for bird conservation in the area of the ecological network and the implementation of measures.
- **Ordinance on strictly protected species (144/2013, 73/2016)** This Ordinance defines the list of strictly protected species is defined, as well as the procedures of adopting management plans for these species, procedures for handling dead or injured individuals, and all other aspects and procedures related to strictly protected species.
- **Water areas management plan 2016-2021** For every water area, it provides description of natural values and state of waters, list of water quality goals, list of measures for achieving those goals, financial plan for the measures and codes of conduct.



- Nature Protection Strategy and Action Plan of the Republic of Croatia for the period 2017-2025:**  
 This document emphasizes wetlands as particularly endangered habitats. In its strategic goal 2.5.2. it defines succession as one of the threats to wetland areas, requiring active management. It also recognizes waterway regulation and changes in water regimes as main threat to all water-dependant habitat types. It is the cornerstone of planning nature and biodiversity protection in Croatia. This Strategy and Action plan is renewed every 5 years based on the findings of the State of the Nature Report. The goal is to achieve the implementation of Croatia's international obligations stemming from different documents: (Global) Strategic Plan for Biodiversity (the Nagoya process), including the Aichi Biodiversity Targets for the 2011-2020 period and the EU 2020 Biodiversity Strategy.

It worth to mention that Croatia has many laws at national level and Italy only two. But, only in Italy is there a regulatory contest that regulates the instrument of river/wetland contracts.



*Fig. 1 – Sectors in which the National legal regulation on wetlands is framed*

## **II. Regulatory framework for the protection and management of the pilot wetland**

### **II.a International and European level (template sections B.1-B.2)**

Wetlands governance and management is regulated by several international and European conventions and Directives. The most important ones are:

- Ramsar Convention (1971)** is the oldest multilateral environmental agreement and the only one focusing specifically on wetlands.
- Convention on Biological Diversity (1992)** is the second most relevant international mechanism for the protection of wetland areas, adopting an action plan on ecosystem restoration, intended to be a flexible framework to promote the restoration of degraded natural and semi-natural ecosystems.
- EU Birds Directive (2009/147/EC)** and **Habitats Directive (92/43/CEE)** prescribe actions that support the conservation and restoration of wetlands. The Birds Directive requires EU Member

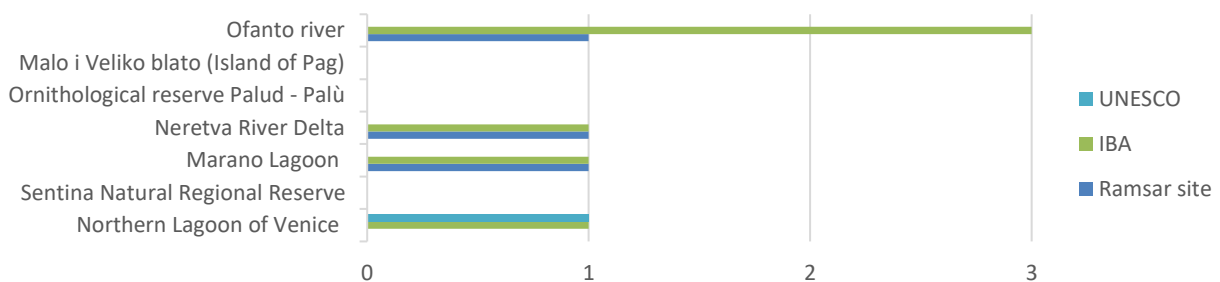
States to preserve, maintain and re-establish sufficient extent and diversity of habitats for all wild birds (Article 3), whilst the Habitats Directive requires Member States to report on compensation measures taken for projects having a negative impact on Natura 2000 sites or on derogations they may have applied to the strict protection measures (Article 6.4).

- **EU Water Framework Directive (2000/60/CE)** aims at the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. It seeks to ensure that all aquatic ecosystems and, regarding their water needs, terrestrial ecosystems and wetlands, attain 'good status'. It promotes the active participation of all interested parties in the implementation of the directive itself, particularly in the elaboration, review and updating of river basin management plans.
- **EU Flood Directive (2007/60/CE)** is related to the assessment and management of flood risks and in particular art. 13, paragraph 5, which provides that river basin management plans can be supplemented by more detailed programs and management plans for sub-basins, sectors, problems or water categories in order to address particular aspects of water management;

The seven pilot wetlands included in CREW project are regulated by different typology of protections at international and European levels.

International level of protection:

- **3 Ramsar sites** (Neretva river delta; Saline di Margherita di Savoia; Laguna di Marano Foci dello Stella);
- **6 Important Bird Areas** (Neretva river delta; IBA135, IBA203, IBA203M Ofanto river; IT062 IBA 1998-2000 Grado and Marano Lagoon; 061 IBA 1998-2000 Venice Lagoon);
- **1 UNESCO site - World Heritage list** (Venice and its lagoon since 1987).



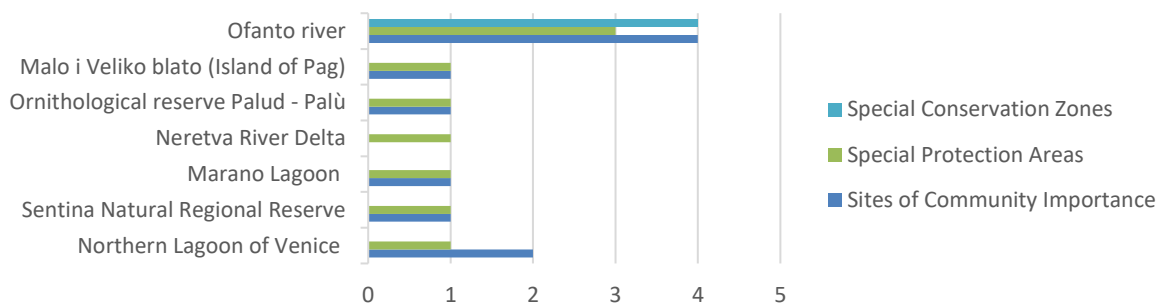
**Fig. 2 – International levels of protection.**

European level of protection:

- **11 Sites of Community Importance:** HR2001360 (Šire rovinjsko područje), HR4000004 (Velo i Malo Blato), IT9110005, IT9120007, IT9120011, IT9120009, IT9150041 (Ofanto), IT5340001

(Litorale di Porto d'Ascoli), IT3320037 (Laguna di Grado e Marano), IT3250003 (Cavallino Peninsula), IT3250031 (Laguna Superiore);

- **9 Special Protection Areas:** HR1000031 (Delta Neretve), HR1000032 (Akvtorij zapadne Istre), HR1000023 (SZ Dalmacija i Pag), IT9110006, IT9120007, IT9110038 (Ofanto), IT5340022 (Litorale di Porto d'Ascoli), IT3320037 (Laguna di Grado e Marano), IT3250046 (Venice Lagoon);
- **5 Special Conservation Zones** IT9110005, IT9120007, IT9120011, IT9120009, IT9150041 (Ofanto); IT5340001 (Litorale di Porto d'Ascoli).



**Fig. 3 – European levels of protection.**

It should be noted that the level of protection is generally similar between Italian and Croatian areas except for the Ofanto River that reports a greater number of protected sites both international and European level.

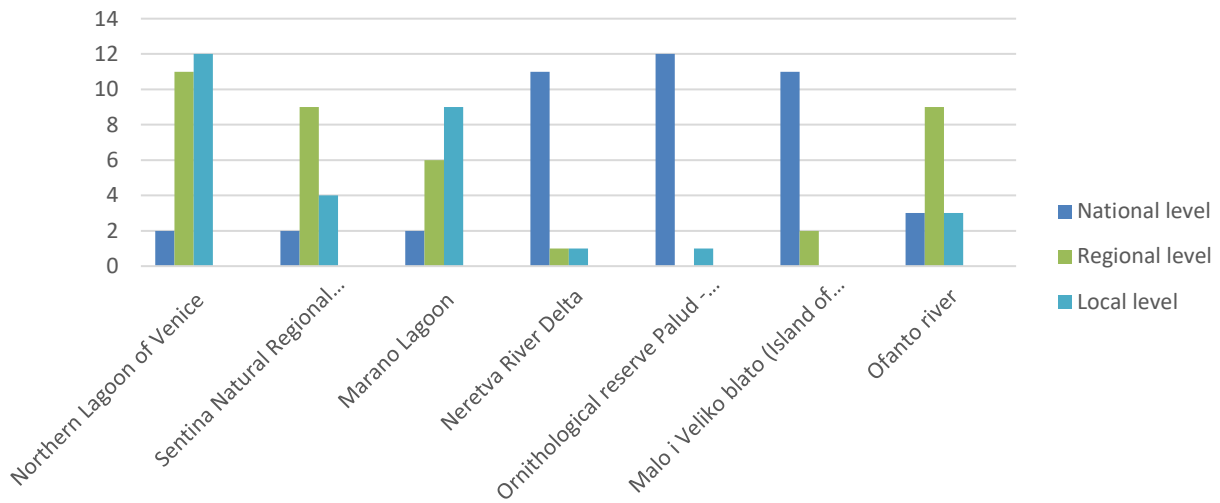
### **II.b National, Regional and local level (template sections B.3-B.4-B.5-B.6)**

In addition to the international and European level of protection, the pilot wetlands are also subject to national or regional protections. In fact: the area of Sentina is a Regional Nature Reserve; the area of the Ofanto river includes two national and regional parks (Alta Murgia National Park and Ofanto Regional Park); the River Delta Neretva area is a Special Reserve at national level; the Palud-Palù area is Special Ornithological Reserve at national level and also includes the Significant landscape "Rovinjski otoci i priobalno područje"; Marano lagoon includes 3 regional natural reserves (Valle Canal Novo, Foci dello Stella and the brand new Riserva Valle Grotari e Vulcan).

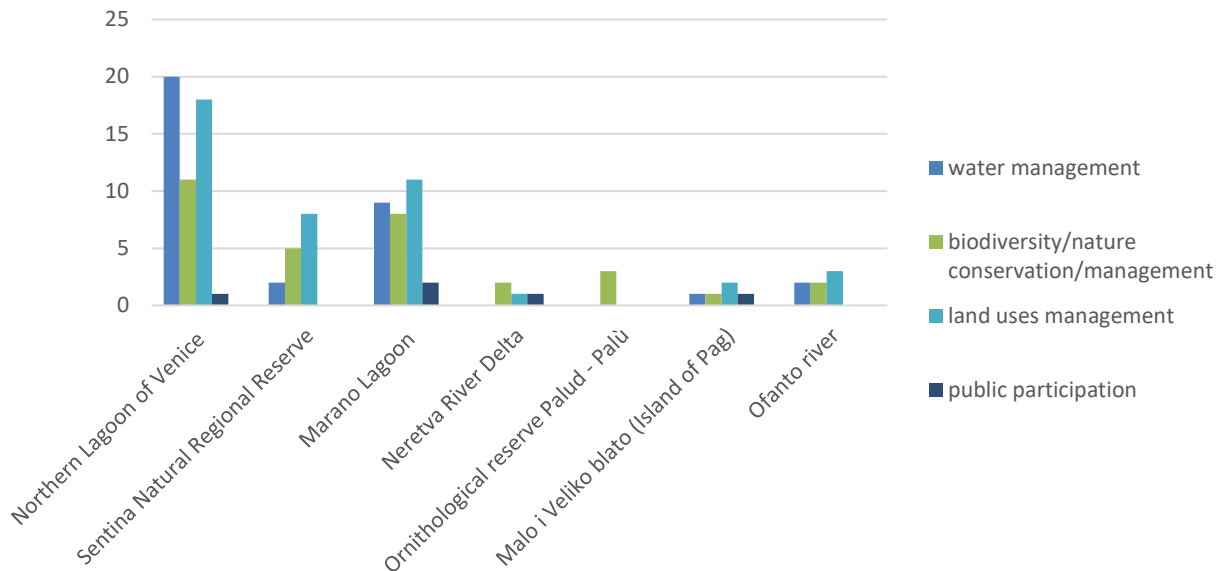
These protected areas are then managed at national, regional or local level through specific management plans: Management Plan of the Sentina Regional Nature Reserve (Management Authority: Municipality of San Benedetto del Tronto); Management Plan of Ofanto Park (Management Authority: Province of Barletta Andria Trani); Neretva River delta Management Plan (Management Authority: Dubrovnik Neretva County); Management plan of the Ornithological Reserve Palud (Management Authority: Public

institution Natura Histrica); The natural reserves of Marano Lagoon Valle Canal Novo and Foci dello Stella have a municipality/regional management plan.

Moreover, according to what reported by the partners, in general Italy tends to regulate wetlands management at regional level and Croatia at national level. Italy basically has only two laws at national level and then many plans at regional/local level (Fig.4), on the other hand Croatia has up to ten laws/plans/strategies at national level and few at regional/local level.



**Fig. 4 - Regulations that insist on the pilot wetlands.**



**Fig. 5** – Sectors in which the legal regulation of the pilot wetlands is framed.

According to what reported by the partners, the Italian areas are in fact managed through numerous sectoral tools with a majority of land use management and water management tools, on the contrary the Croatian areas - with much fewer specific plans at the pilot area level - in percentage have a greater focus on biodiversity management.

In particular, the key tools for the management of Italian wetlands are:

- **Spatial plans:** (1) **Regional Territorial Landscape Plan** (aims at protection and enhancement, as well as recovery and redevelopment of the landscapes of Region); (2) **Territorial Coordination Plan of the Province**; (3) **Regional Environmental Landscape Plan** (provides for the recognition of human resources, historical, cultural, landscape, environmental, natural and contextual definition of the conditions and objectives for their protection and enhancement); (4) **Regional Territory Government Plan** (defines the strategies of the territorial planning both at large and local scale) (5) **municipal development plans** and **Spatial and land-use plans** (outlines the strategic choices of settlements development and governance of the municipal territory, identifying the specific vocations and invariants of geological, geomorphological, hydrogeological, landscape, environmental and historical, monumental and architectural order, in accordance with the objectives, the directives, the constraints and the guidelines contained in the upper level territorial plans and in compliance to the needs of the local community;
- **Water Catchment Management Plans:** With reference to the hydrological system, the Plan identifies and classifies all surface and underground water bodies in the district according to their

ecological, chemical and quantitative status and defines the measures to be taken in order to achieve a good status and to protect protected areas;

- **Flood Risk Management Plans:** The Management Plan covers all aspects related to flood risk management: prevention, protection and preparation, including the flood forecasting phase and warning systems, as well as management during the event. As required by the European Directive 2007/60, the development, updating and revision of the flood risk management plan must be conducted with a broad involvement of the public and stakeholders, encouraging their active participation. The Plan defines the objectives of flood risk management, highlighting, in particular, the reduction of potential negative consequences for human health, the territory, assets, the environment, cultural heritage and economic and social activities, through the priority implementation of non-structural interventions and actions for the reduction of danger;
- **Hydrogeological Plans (PAI):** aims to ensure the defence of the territory against landslides and degradation phenomena of hydrogeological type identifying socio-economic development models compatible with spatial planning and the hydraulic regime of watercourses belonging to the considered basin. These aims are pursued through the identification, the perimeter and the classification of areas for dangerous conditions and hydrogeological risk, the definition of safeguard measures and the planning of the interventions necessary to achieve an adequate level of security and allow the recovery of the natural environment and the requalification of the characteristics of the territory;
- **Regional Water Protection Plans (PTA):** is the act that governs the governance of water on the territory. It is a dynamic tool of knowledge and planning that aims at the integrated protection of the qualitative and quantitative aspects of water resources, in order to pursue a healthy and sustainable use. The plan rules the human activities and defines the related authorization procedures. It defines the interventions aimed at ensuring the achievement of the environmental quality objectives in accordance with the Italian Environmental Code and the measures necessary for the qualitative and quantitative protection of the water system. It is accompanied by a cognitive framework of the state of surface and underground water at regional level;
- **Regional Coastal Plans (PRC):** is the instrument that regulates the use of the Demanio Marittimo areas, with the aim of guaranteeing the correct balance between the safeguarding of the environmental and landscape aspects of the regional coastline, the free use and the development of activities recreational tourism. It pursues the objective of economic and social development of coastal areas through eco-compatibility criteria and respect for natural processes.