

MPA NETWORKS project

Support MPA effectiveness
through strong and connected networks in the Mediterranean



<https://mpa-networks.interreg-med.eu>

Priority Axis 3: Natural and cultural resources - Objective 3.2: Biodiversity protection

SEMINARIO

“Torre del Cerrano” Marine Protected Area
SIC/ZSC IT 7120215
-Project Networking-

22 aprile 2022

Area Marina Protetta Torre del Cerrano

Ore 9:30 - 11:00

Project Networking: Interreg Italy-Croatia CASCADE, NET4mPLASTIC
Interreg Mediterranean MPA NETWORKS, LIFE DELFI, CALLIOPE



In collaborazione con:



Partners:



Supporter:



MPA Networks: Transition Phase from AdriaPAN to AdrlonPAN

Università «G. d'Annunzio»
Chieti – Pescara

Prof. Paola Puoti

Prof. Simone Di Zio

Prof. Ilaria Ottaviano

Dr. Ferdinando Franceschelli

THE CONSULTING ASSIGNMENT

In May 2021 the **Department of Legal and Social Sciences of the University "G. d'Annunzio" of Chieti-Pescara (Italy)** and the **Marine Protected Area "Torre del Cerrano"** entered into a contract under which the Department was entrusted with the "Consulting assignment for the transition of the Network of Marine and Coastal Protected Areas of AdriaPAN to AdrionPAN".

The consultancy covers several aspects of AdriaPAN's ability to:

- **expand the network geographically** (by involving MPAs from the Ionian Sea), and
- **strengthen its organizational structure** (through a more defined legal form).

THE OUTPUTS

The outputs requested by MPA «Torre del Cerrano» to the Department were:

- **2 Activity Logs** (Preliminary and Final) and

- **3 Reports:**

- I. Report on strategic and legal scenarios related to the creation of a more defined legal status of AdrionPAN
- II. Report with recommendations on the functioning of AdrionPAN (governance, funding, coordination...) and strategy
- III. Development of a first draft cooperation agreement between the AdrionPAN network members

THE APPOINTMENT OF THE SCIENTIFIC REFERENCE AND THE RESEARCH AND STUDY GROUP

To carry out the required activities, the **Department of Legal and Social Sciences of the University "G. d'Annunzio" of Chieti-Pescara:**

- appointed Prof. Paola Puoti (International Law) as the scientific co-ordinator of the Project
- set up a Research and Study Group (Working Group) consisting of 4 members:
 - Prof. Ilaria Ottaviano (EU Law)
 - Prof. Simone Di Zio (Social Statistics)
 - Dr. Ferdinando Franceschelli (International Law)
 - Dr. Alessandra Nepa (International Law)

ACTIVITIES OF THE WORKING GROUP: PHASE 1

The activities of the Working Group were divided into three phases:

Phase 1 (May-Jun. 2021):

A) collecting and analysing:

- relevant documents and models (legislation, reports, documents, case-law)
- relevant literature
- several organizational models envisaged at international/EU/national level (i.e.: MedPAN, AdriaPAN, the African RAMPAN, etc.), also unrelated to the MPAs (i.e.: Unimed), and to the EUSAIR strategy (Strategy EUSALP and the members of the Alpine Convention), or others operating in the Adriatic – Ionian Region (i.e.: Uniadriatic).

B) collecting data and information which have been provided to the Working Group:

- data and information provided by TDC, other MPA members of AdriaPAN, MedPAN, the PM, etc.

ACTIVITIES OF THE WORKING GROUP: PHASE 2

Phase 2 (Jun.-Aug. 2021):

C) outlining 3 Scenarios of organizational structures, and 3 Criteria to evaluate such scenarios:

- develop 3 strategic-legal Scenarios of organizational structures which might fit for the AdrionPAN network;
- develop 3 Criteria according to which the 3 Scenarios should be evaluated.

D) collecting data and information which have been provided to the Working Group

E) early draft of the Report nr. 1 on strategic and legal scenarios related to the creation of a more defined legal status of AdrionPAN.

F) setting up a Questionnaire through which the AdriaPAN members were interviewed about the organizational structure and strategy of the nascent AdrionPAN network; collect and analyse the relevant comments and suggestions by TDC, MedPAN, the Project Manager, other MPAs of the AdriaPAN network

ACTIVITIES OF THE WORKING GROUP: PHASE 3

Phase 3 (Aug.-Nov. 2021):

- G) preparing the 3 Reports, a Preliminary Activity Log and a Final Activity Log:
- submitting the 3 Reports to TDC along with the Preliminary Activity Log, stimulate comments, suggestions and a dialogue about them;
 - making the needed meetings;
 - collecting and analysing any comments and suggestions eventually received;
 - drafting the 3 amended Reports along with the Final Activity Log and delivering them to TDC
- H) collecting data and information provided to the Working Group

THE 3 SCENARIOS

3 Scenarios were outlined

- on the basis of the context and the needs of the nascent AdrionPAN,
- on the basis of the overall analysis of documents, and
- on the basis of the suggestions and comments received along the consultancy

Scenario A: Association without legal personality

It is the simplest hypothesis and akin to the current structuring of the AdrionPAN network (as well as of the AdriaPAN network).

It embodies a contractual commitment by the signatory entities and authorities to carry out a project or initiative in their common fields of competence, with the exception of regulatory powers.

Scenario B: Association with legal personality: “Private law” model

It is a more complex and articulated structure, different from the current structure.

It envisages the creation of private entities with legal personality (with the capacity to conclude contracts, employ staff, manage a budget, launch tenders, acquire and dispose of movable and immovable assets). It can attract public funding and participating in EU calls for proposals, in particular in the context of Interreg Adrion, and other sources of financing. Greater influence and recognition in relations and synergies with MedPan.

It can draw inspiration from the contract models annexed to the 1980 Madrid Convention on Transfrontier Cooperation between Territorial Communities or Authorities.

This scenario appears useful in all cases involving primarily commercial or economic transactions that any natural or legal person under private law could have carried out.

A possible threats may arise from the lack of knowledge by all members of the laws applicable to the association.

Scenario C: European Grouping of Territorial Cooperation (EGTC)

The **European Grouping of Territorial Cooperation** instrument was created by Regulation (EC) No 1082/2006, as amended by Regulation 1302/2013.

It is the most complex model, which allows the EGTC the broader membership and capacity to act: it is currently possible to participate in the EGTC by territorial entities of third countries. Private participation is also possible.

It is designed to “facilitate and promote territorial cooperation” (Article 1 of Regulation No 1082/2006). It can carry out intangible cooperation projects (including cross-border governance) or tangible cooperation projects (equipment, infrastructure or joint services) in the shared areas of competence of its members. It can also take on the role of managing authority (or intermediary body) for European territorial cooperation programs, or to carry out integrated territorial development instruments.

It is an entity with legal personality under public or private law and with the widest legal capacity recognised in the Member States’ legal systems.

Not always sufficient legal competence among the members for the constitution of the Statute and the Convention.

The procedure for setting up and amending EGTCs is rather time-consuming. In some cases, there is limited legal integration of EGTCs into national legal systems (few mentions of EGTCs, difficulty in identifying the provisions that apply to the functioning of EGTCs).

THE 3 CRITERIA

3 Criteria were outlined in order to assess the consistency of the 3 Scenarios with respect to the AdriaPAN's members:

Criterion 1: Suitability

Suitability of the organizational structure to achieve the following 3 main goals:

- a) Access to the European Structural and Investment Funds and/or to other EU/national funds.
- b) Take an active part as leading player/partner/stakeholder in the development of long-term supranational actions.
- c) Provide best practices for preserving the assets of the MPAs which are members of such organizational structure.

Criterion 2: Compliance

Compliance of the nascent organizational structure with the needs and objectives of one's MPA, namely those related to one's MPA degree of development, skills, human resources, financial resources.

Criterion 3: Appeal

Appeal, interest and attractiveness which the organizational structure arises in «third» (external) MPAs, networks of MPAs and in other bodies, as regards its chance to be involved in joint projects and other events.

THE QUESTIONNAIRE

A **Questionnaire** (anonymous) was administered to the MPAs and to other bodies. It was aimed at exploring the most appropriate forms for the given objective, i.e. the possibility for AdriaPAN:

- **to expand the network geographically**, by involving MPAs from Ionian Sea, and
- **to strengthen its organizational structure, through a more defined legal form** particularly in the light of the needs and aspirations of the network's current members.

As to the structure, the Questionnaire - after a general introduction - consisted of two main parts:

I) in PART 1 a set of questions were asked related to the current situation of participation in AdriaPAN (PART 1.a), and to aspects relevant to the establishment of the future AdriaPAN, its governance and internal organisation (PART 1.b).

II) in PART 2 the interviewees were asked a set of questions which aimed to compare 3 proposed Scenarios of organizational structure (through which AdriaPAN can be established), on the basis of 3 proposed Criteria, following an Analytic Hierarchy Process (AHP).

THE RESULTS OF THE QUESTIONNAIRE ON THE GOVERNANCE STRUCTURE

A "near balance" resulted from the Questionnaire between **Scenario B** (*Association with legal personality: "Private law" model*) and **Scenario C** (*European Grouping of Territorial Cooperation – EGTC*).

This "near balanced" result didn't allow to reach a clear conclusion on what, according to the MPAs involved, appeared the most appropriate Scenario for the nascent AdionPAN

On the other hand, **Scenario A** (*Association without legal personality*) resulted very far from the preferences of the participants.

From the overall analysis of the outcomes of the work carried out, it could be concluded that the best legal solution seemed to be the Scenario B (Association with legal personality: private law model).

In any case, in the light of the above, it will be up to the decision-maker to make a choice mainly between **Scenario B** and **Scenario C**, while **Scenario A** seems to have been substantially discarded.

RECOMMENDATIONS ON THE FUNCTIONING OF ADRIANPAN

1) ensure that MPAs in the network are involved in future choices regarding structuring, governance, access to funding opportunities and support, sharing the related responsibilities.

2) identify tools to solicit a wide participation of MPAs in the initiatives and decisions to be taken which regard the network.

3) calibrate the network's choices on the effective participation and involvement of its members in the initiatives and decision-making process.

4) provide for a pathway regarding the upgrade of the organizational structure, in order to ensure a gradual transition from the current phase to more articulated structures that allow to fully carry out the relevant functions: support to improve MPAs' management efficiency; facilitate the exchange of resources, energy and knowledge to promote joint international and regional cooperation programs; create synergies among MPAs; search for funding opportunities and use them; etc.

5) implement the institutionalization of the AdriionPAN network through a well-defined, stable and coordinated organizational structure which allows the network to be properly managed and administered.

6) provide the structure with a proper budget and human resources, in order to carry out the activities on a continuous, effective and comprehensive way.

7) bring opportunities to develop joint projects, and international co-operation through joint projects, exchange of experiences, dissemination of best practices.

8) aggregate and disseminate useful tools in order to make the network more effective and avoid to duplicate the efforts of the MPAs.

9) pursue an approach of the network heading towards a stronger communication, integration and complementarity among the MPAs.

10) involve in the nascent AdriionPAN network, the MPAs and other institutions and bodies, (such as universities, research centres, public administrations, NGOS, etc.) of the Adriatic - Ionian Region, and MedPAN.



THANK YOU FOR YOUR ATTENTION