






# HYBRID EVENT: Towards an Adriatic-Ionian network of MPA managers

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 **BRIJUNI**  
Nacionalni park  
National Park

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NETWORKS**

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**Title: Towards an Adriatic-Ionian network of MPA managers**



## MPA Networks: Transition Phase from AdriaPAN to AdrlonPAN

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## 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 according to 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)
- **strengthen its organizational structure** (through a more defined legal form).

## THE REQUESTED 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 such activities, the **Department of Legal and Social Sciences of the University "G. d'Annunzio" of Chieti-Pescara:**

- **appointed the scientific co-ordinator of the Project:** Paola Puoti, Professor of International Law
- **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 Working Group scheduled its working programme 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.: Uniadrion).

**B) collecting and analysing** data and information provided to the Working Group by MPA-TDC, other MPAs members of AdriaPAN, MedPAN, the Project Manager.

## 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 further data and information** 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 further 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
- 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 structure 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, regulatory powers excluded.

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

It is a **more complex and articulated structure**, than the current one.

It is a **private entity with legal personality** (ability to conclude contracts, employ staff, manage a budget, launch tenders, acquire and dispose of movable and immovable assets).

It can **attract public funding and participate in EU calls for proposals**, in particular in the context of Interreg Adrion, and other sources of funding.

This scenario seems to be suitable where the nascent structure is expected to mainly carry out commercial or economic transactions similar to those carried out by any natural or legal person under private law.

## Scenario C: European Grouping of Territorial Cooperation – EGTC (Regulation (EC) No 1082/2006, as amended by Regulation 1302/2013)

It is an **entity with legal personality under public or private law**.

Its legal capacity is widely recognised in the 27 Member States' legal systems.

It is the most complex model, which allows the broader capacity to act.

Local authorities, as well as private bodies, are currently entitled to participate in the EGTC.

Its main goal is to “facilitate and promote territorial cooperation”: 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 carry out integrated territorial development instruments.

## THE 3 CRITERIA

**3 Criteria** were outlined in the Reports 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 funds.
- b) Play a leading role in the development of long-term supranational actions.
- c) Provide best practices for preserving the assets of each MPA member of the structure.

### **Criterion 2: Compliance**

Compliance of the nascent organizational structure with the needs and objectives of each MPA (degree of development, skills, human resources, financial resources).

### **Criterion 3: Appeal**

Appeal/interest/attractiveness that the structure arouses in «third» MPAs/networks/ bodies, regarding the chance to be involved in joint projects and other events.

# THE QUESTIONNAIRE

A **Questionnaire** (anonymous) was administered to the AdriaPAN MPAs and other entities. The goal was to explore the most suitable ways for AdriaPAN to achieve the following goals:

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

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 **both to the current situation of MPAs participation in AdriaPAN (PART 1.a), and to some aspects relating to the establishment of the nascent AdriaPAN, its governance and internal organisation (PART 1.b).**

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

## THE RESULTS OF THE QUESTIONNAIRE ON THE GOVERNANCE STRUCTURE

The answers to the Questionnaire provided by the MPAs involved, lead to the conclusion of a **"near balance"** between **Scenario B** (*Association with legal personality: "Private law" model*) and **Scenario C** (*European Grouping of Territorial Cooperation – EGTC*).

This **"near balance"** cannot allow to reach a clear and unambiguous conclusion on what appeared to be the most appropriate Scenario for the nascent AdrionPAN.

**Scenario A** (*Association without legal personality*), instead, resulted very far from the preferences of the MPAs involved.

## OVERALL RESULTS

From the results of the overall work carried out, the Working Group concludes that the 2 scenarios that seem to be most suitable to the reference context are:

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

**Scenario C: European Grouping of Territorial Cooperation (EGTC)**

In the current context and in the light of all the circumstances, it seems that **Scenario B is the most easily feasible** and that it would allow the **establishment of an intermediate body capable of administering and implementing the actions** that the MPAs intend to carry out.

**Scenario C remains the most suitable for achieving more ambitious objectives** and is - from various points of view - preferable, but **requires greater commitment and its establishment and management are more complex.**

**In any case, in the light of the above, it will be up to the decision-makers to make the final choice.**

## 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 AdriaticPAN 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 AdriaticPAN 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**