

EEZs in the Adriatic: challenges and opportunities in a semi-enclosed sea

By: Thomas Bickl

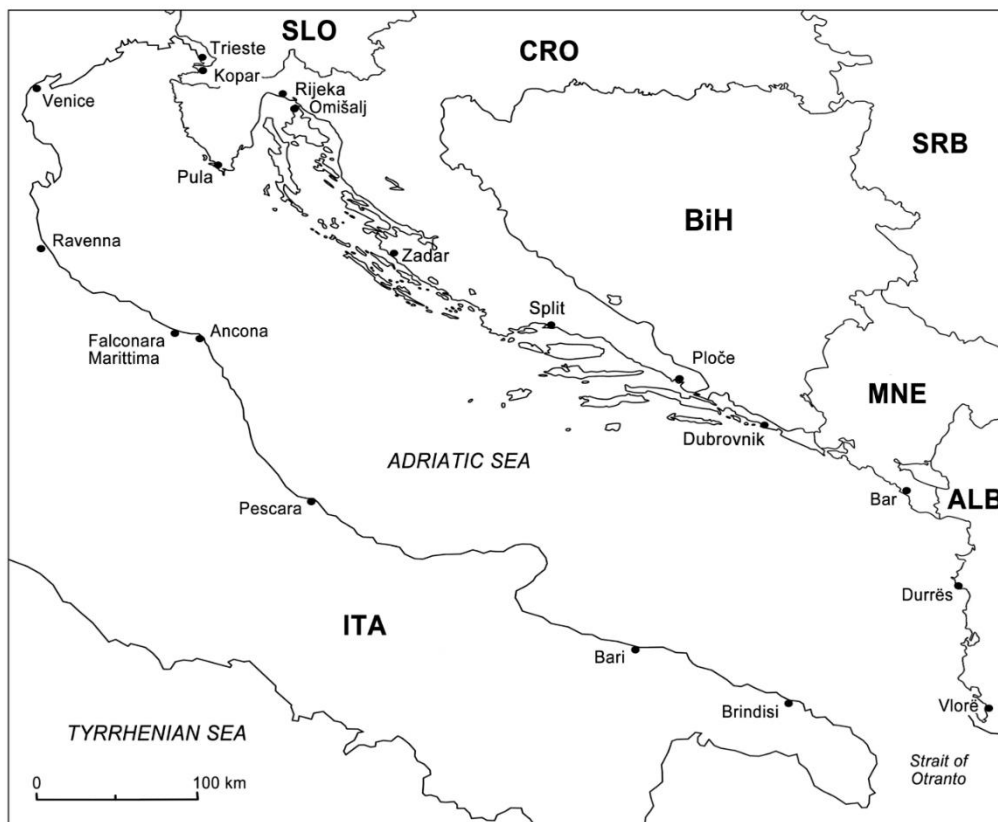
Matter commented on: EEZ declarations of Croatia and Italy

I. Introduction

This blog is going to discuss the implications of the EEZs of Croatia and Italy in the Adriatic Sea, with regard to the interests of and open issues with third States, hydrocarbon exploration and exploitation, maritime transport, fishing, and opportunities for offshore renewable energies.

The Adriatic Sea, a sub-sea of the Mediterranean, as a semi-enclosed sea previously accounted for three riparian States: Albania, Italy, and Yugoslavia. The dissolution of the Socialist Federal Republic of Yugoslavia (SFRY) in the early 1990s has led to the establishment of four new littoral States: Croatia, Bosnia-Herzegovina, Montenegro, and Slovenia. Generally, the Adriatic's eco-system is particularly vulnerable as its waters are shallow and the exchange or renewal of waters with the Ionian Sea through the relatively narrow Strait of Otranto is limited ([Vidas 2013](#): 353; [Blake and Topalović 1996](#): 4; see also [Gačić et al 2001](#)).

Fig. 1 Riparian States and main ports in the Adriatic (source: author; base map: d-maps.com)



There is a major oil and liquid gas (LNG) transportation route respectively to the northern Adriatic ports of Trieste, Venice, Porto Levante, Omišalj, and Koper. Major container ports are Trieste, Koper, Venezia, Ravenna, and Rijeka ([Twrdy and Batista 2014](#); [Tomašević et al 2011](#)): see figure 1 above.

The increasing human use of the marine and coastal space, in particular through (over-)fishing, maritime transport, tourism, construction, and – in the Northern Adriatic - the exploration and exploitation of hydrocarbons, has intensified the pressure on the entire ecosystem of the Adriatic (see also [European Commission staff working document](#) for the Action Plan concerning the EU Strategy for the Adriatic and Ionian Region 2020: 40-41).

In mid-December 2020, both Croatia and Italy coordinated the prospective joint declaration of an EEZ on both sides of the Adriatic Sea (foreseen for early 2021), at the highest political level (Governo Italiano, Presidenza del Consiglio dei Ministri, [colloquio telefonico Conte-Plenković 12-12-2020](#); [Euractiv news](#), 14-12-2020).

Ahead of the adoption of the draft EEZ declaration of the Croatian Parliament (Sabor) on 18 December, the Croatian foreign minister stated:

“By declaring an EEZ we will do the best we can in the legal protection of the Adriatic Sea [...]. Croatia and Italy will declare their zones after a trilateral meeting of Croatia's, Italy's and Slovenia's foreign ministers in January next year. The first step in the protection of national interests in the Adriatic Sea was taken in 2003, when the Ecological and Fisheries Protection Zone (EFPZ) was declared [for the EFPZ see II.2].

The only rights we have not yet acquired are the right to build an artificial island and the right to produce energy using the sea, sea currents and winds, and these are the additional rights that will be granted to Croatia with the declaration of the EEZ [...].

The mutual readiness of Croatia and Italy to protect the Adriatic Sea enables the complete protection of the Adriatic between the Croatian and Italian coasts, thus excluding fishing fleets of all third countries, and this sea area becomes a solid foundation for cooperation in implementing a common fisheries policy, with the aim of achieving sustainable fishery, as well as protecting and preserving the marine environment, and developing the blue economy. That is [...] the [...] important step we are now ready to take - to declare an EEZ on both sides of the Adriatic [...] The declaration of the EEZ was previously discussed with other neighbouring countries in the Adriatic as well, including Slovenia, Bosnia and Herzegovina and Montenegro” ([Ministry of Foreign and European Affairs of Croatia press release](#), 17-12-2020).

The Sabor adopted the draft EEZ declaration on 18 December 2020 with 129 votes in favour and one abstention ([HINA news](#), 18-12-2020).

The Italian Parliament had passed the bill on the establishment of an EEZ on 05 November 2020 unanimously with the subsequent adoption by the Senate pending ([Opinio Juris Law and Politics Review](#), 01-12-2020). The bill in essence incorporates the EEZ provisions of Arts. 56 and 83 UNCLOS (see III. and III.1.). With regard to the territorial scope of (a) future EEZ(s), however, it appears that Italy is not only contemplating the Adriatic Sea, but also the southern Mediterranean where Algeria, a major gas exporter, declared an EEZ in March 2018 without prior bilateral consultations or delimitation negotiations with Italy. The Algerian EEZ comes within 70 nm of reach of the Italian territorial sea southwest of Sardinia. Bilateral negotiations on EEZ delimitation are ongoing following an Italian *note verbale* from November 2018

([Camera dei deputati, Servizio Studi, provvedimento zona esclusiva italiana](#), 16-06-2020: 3-4).

The foreign ministers of Croatia, Italy, and Slovenia adopted a joint declaration at their meeting in Trieste on 19 December 2020, according to which they would “establish a [trilateral] mechanism for enhanced cooperation at political and expert level [...] in key areas [including] the blue economy, and the comprehensive protection of the Adriatic Sea.” (Joint Statement of the foreign ministers of Croatia, Italy, and Slovenia, 19-12-2020)

II. History of (semi-)EEZs in the Mediterranean and Adriatic

In the Mediterranean as a whole, the concept of the Exclusive Economic Zone (EEZ) had long played a relatively minor role up until rather recently when semi-dormant but protracted delimitation issues have resurfaced in the Eastern Mediterranean.

II.1 EEZs in the Mediterranean

The long-standing disputes between both Greece and Cyprus on the one hand and Turkey on the other hand have been in the limelight of the public domain. The energy and security issues relating to the unresolved continental shelf delimitation - both in the Aegean and the Eastern Mediterranean - and the related EEZs with sovereign rights over the exploration and exploitation of hydrocarbons have been a source of great contention, also involving the EU as a whole (see my [previous blog](#)).

In the Western Mediterranean, EEZs have to some degree become politically relevant only over the last two decades or so, albeit gradually and predominantly for environmental considerations with regard to marine living resources. Spain proclaimed an ‘EEZ light’ in 1997, followed by a similar agreement between France, Italy, and Monaco in 1999, covering the marine area between Corsica (France), Liguria (Italy) and Provence (Monaco). France claimed a quasi-EEZ in 2004 which became a full EEZ in 2012 ([Grbec 2015](#): 75-87), Spain declared its Mediterranean EEZ in 2013. The production of renewable offshore energy in both France and Spain has been fairly modest, and there have been no hydrocarbons exploration or exploitation activities (see Government of France [Mediterranean sea basin document](#) 2020: 10, 13-14; European Commission [Maritime Spatial Planning Country Information Spain](#) 2020: 6). Italy adopted its law on Ecological Protection Zones (ZEP) in 2006 (United Nations [LOS Bulletin No. 61/2006](#): 98), and its ZEP in the Ligurian and Tyrrhenian Sea became operational in 2011 (see European Commission [Maritime Spatial Planning Country Information Italy](#) 2020: 3).

Italy and Greece signed an agreement on 09 June 2020 on a respective EEZ in the Ionian Sea, in fact extending the bilateral 1977 continental shelf delimitation to the water column. A supplementary agreement apparently seeks to provide Italian fishing vessels access to Greek territorial waters ([Reuters news](#), 09-06-2020). The two parties have notified the European Commission to that end with a view to the [EU Fisheries Regulation 2013/1380](#) (information obtained by the European Commission Directorate General MARE, 16-06-2020) regulating mutual access to the territorial waters. It must be noted that amendments to a Regulation are subject to agreement by the co-legislators EU Member States and European Parliament.

II.2 (Semi-)EEZs in the Adriatic

Croatia declared an Ecological and Fisheries Protection Zone (EFPZ) in October 2003 (United Nations [LOS Bulletin No. 53/2004](#): 68-9; see also [Cataldi 2013](#): 2). It may be seen as an ‘EEZ light’ as its purpose as set out in para. 1 is the exploitation, conservation and management of marine living resources, marine scientific research, and the protection of the marine environment. Then again, reference is made in para. 2 to the right to proclaim “other elements” in accordance with UNCLOS which renders it a quasi-EEZ. Vidas (2008: 12-13) notes that any reference to “exclusive” was avoided due to pressure from the European Commission to the extent that anything “exclusive” was not in the European spirit for a country that had just filed its application for EU membership. The spatial ambit of the Croatian EFPZ is described in para 6 as the area up to the continental shelf delimitation line from the 1968 agreement (of Yugoslavia) with Italy, and it also (unilaterally) defines its southern limit. No delimitation vis-à-vis Slovenia is mentioned. The latter fact appears to be the case simply because no agreement with Slovenia on maritime delimitation had been reached yet (for the current state of play with regard to delimitation issues with Montenegro and Slovenia see III.1).

Slovenia, in a *note verbale* to the Croatian embassy, protested the Croatian decision on the very day of its publication stating that Croatia, by means of unilaterally proclaiming an EFPZ, frustrated “a consensual solution to the issue of the maritime boundary between the two countries and encroached on the area where [...] Slovenia exercises its sovereignty and sovereign rights” (United Nations [LOS Bulletin No. 53/2004](#): 71).

Italy also protested the Croatian decision, albeit for a different reason. In a note from the Italian Permanent Mission to the UN Secretary-General dated 16 April 2004, critiquing a general lack of cooperation on the part of Croatia as for agreeing the limits of new zones of jurisdiction in a narrow sea such as the Adriatic, Italy points out that the Yugoslav-Italian agreement on the continental shelf did not contain superjacent waters, i.e. the water column above the seabed. Further: “the 1968 delimitation was agreed in a moment in which the notion of the exclusive economic zone was not well defined in the international law of the sea” (United Nations [LOS Bulletin No. 54/2004](#): 129). In other words: “you cannot use the [1968] continental shelf agreement for a completely different purpose”. Even if Italy were to accept the Croatian EFPZ, it would have to be shifted eastward taking into account the Italian straight baselines established after 1968 (interview Giuseppe Cataldi, 18-07-2018).

Croatian scientists and experts had for years been presenting alarming findings about depleting fish stocks and a need for more marine environmental protection ([Vidas 2008](#): 9). Further, as early as during the UNCLOS III conference (1973-82), experts in the then Yugoslav delegation had brought these concerns to the attention of the federal Yugoslav government pressing for an introduction of an EEZ, but to no avail ([Oxman 1982](#): 14).

After a series of trilateral meetings of Croatia, Italy, and Slovenia, at a later stage facilitated by the European Commission, in the first half of 2004, a common understanding was reached on 04 June 2004 in Brussels to the extent that vessels from EU Member States ought to be temporarily exempt from the application of the Croatian EFPZ until an agreement on fisheries was reached ([Iborra Martin 2009](#): 8; see also [Sancin 2010](#): 97-8). This exemption of vessels flying the flag of an EU Member State from the application of the Croatian EFPZ is still in operation to date whilst the EFPZ only applies to non-EU vessels (interview senior Croatian civil servant, 25-01-2017). The issue of (non)-application to EU vessels had continued to be a matter of considerable controversy between Ljubljana, Zagreb, and Brussels from 2006 to 2009 (see [Bickl 2021](#): 111-112).

Slovenia proclaimed its Ecological Protection Zone and Continental Shelf (EPZCSA) on 22 October 2005. Containing also a reference to the Croatian (Adriatic) EFPZ, and the Italian (Ligurian and Tyrrhenian) ZEP, the draft version of the later Slovenian law particularly pointed out the need to protect the marine environment and biodiversity in the vulnerable Northern Adriatic with its narrow and shallow waters ([Grbec 2015](#): 101-2; see also [Cataldi 2013](#): 2). The actual law is remarkable in the sense that it starts out by asserting the continental shelf in para. 2 which was to extend “beyond [Slovenia’s] territorial sea”. However, Slovenia only outlined its continental shelf claim in detail during the arbitral proceedings with Croatia in 2013/2014 (see III.1.2). It must be noted, however, that the Tribunal found that Slovenia is *not* entitled to a continental shelf (see [PCA Final Award 2017](#): 348-354, paras 1085-1103), and the Slovenian government later withdrew the EPZCSA legislation (interview senior Slovenian civil servant, 02-12-2020). Only in the following paragraph of the 2005 EPZCSA legislation was the purpose of the ecological protection zone mentioned. Para. 4 maps the (provisional) outer limits. The 1968 continental shelf agreement with Italy is referred to as for the limit in the West, and as for the South, i.e. the delimitation with Croatia, the southern limit of the joint fishing zone established in the bilateral SOPS agreement from 1997 is stated (United Nations [LOS Bulletin No. 60/2006](#): 56-7; see also [Bickl 2021](#): 138-139). As a result, the Slovenian EPZCSA considerably overlapped with the Croatian EFPZ in the area of the Croatian territorial sea. Croatia, not unexpectedly, in a *note verbale* to the UN Secretary-General dated 31 May 2007, critiqued the Slovenian ZEP as “in utter disregard of the International Law of the Sea” protesting “resolutely” as a country with no access to the high seas was not able to claim any continental shelf (United Nations [LOS Bulletin No. 64/2007](#): 40).

III. Implications of a quasi-all-Adriatic EEZ

A full EEZ regime enables coastal States to exercise sovereign rights over three main resources: (i) *non-living* resources on the seabed, subsoil and superjacent waters; (ii) *living* resources of the seabed, subsoil and superjacent waters; and (iii) *other economic activities* related to the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds ([Art. 56\(1\)\(a\) UNCLOS](#)). Notably, these sovereign rights are exclusive, but do not equal territorial sovereignty that exists coast-bound in the territorial sea or in internal waters, and on land.

Further, the EEZ provisions explicitly accord jurisdiction to the coastal State with regard to:

- (i) the establishment and use of artificial islands, installations, and structures;
- (ii) marine and scientific research; and
- (iii) the protection of the marine environment ([Art 56\(1\)\(b\) UNCLOS](#)).

It is vital to note that whilst fisheries and the exploitation of hydrocarbons are sovereign rights of the coastal State in an EEZ (fishing vessels from EU Member States have access to all EEZs of EU Member States), foreign States enjoy the complete freedom of navigation, overflight, or the laying of submarine cables or pipelines - major components of the high-seas freedoms ([Art. 58\(1\) UNCLOS](#)). In an EEZ, the remaining three of the six high-seas freedoms are under the control of the coastal State (construction of artificial islands and installations, fishing, and marine research).

Presuming that both Croatia and Italy extend their respective EEZ up until the 1968 continental shelf border, there will be no more high seas in the Adriatic from the point T5 in the northern Adriatic, where the territorial sea border between Croatia and Italy ends, and becomes the continental shelf one, up until the Ionian Sea in the western part and, in the eastern part, the yet

undelimited southern end of the Croatian EEZ (see III.1.1). For the time being, the maritime space between the territorial sea of Montenegro and the continental shelf border with Italy, and the one between the territorial sea of Albania and the continental shelf border with Italy would remain the only high seas area left.

III.1 Interests of and open maritime issues with Third States

The provisions in the United Nations Convention of the Law of the Sea (UNCLOS) stipulate that the coastal State operating an EEZ has to take into account the rights and duties of other States ([Art. 56\(2\) UNCLOS](#)) and that other States have to do the same ([Art. 58\(3\) UNCLOS](#)). Both provisions expressly call for mutual “due regard” with respect to those rights and duties. These provisions are not dormant, but can carry some substantial meaning in practice, e.g. a minimum safety distance for maritime traffic or low-flying aircraft around installations such as wind farms or exploitation platforms (see e.g. [Fife 2019](#)).

In view of the upcoming EEZ declarations in the Adriatic, it is worth looking into delimitation issues. Italy has final delimitation agreements in force with all riparian States in the Adriatic (with Slovenia who succeeded Yugoslavia in applying the territorial sea boundary of the Osimo Treaty of 1975, with Croatia and Montenegro who are successors to the 1968 Continental Shelf Agreement between Italy and Yugoslavia, and with Albania with whom a Continental Shelf Agreement was concluded in 1992; see e.g. [Prontera 2015](#): 9).

Croatia, however, has open delimitation issues with Montenegro in the South and Slovenia in the North.

III.1.1 Montenegro

As for Montenegro, the 2002 Protocol with the Federal Republic of Yugoslavia (FRY) on the common State border is in force. The Protocol

- (i) is not a treaty ratified by both sides, but an agreement (to which Montenegro is the successor State to the FRY) which has merely been applied in good faith;
- (ii) is a “temporary [agreement] which will be valid until the conclusion of the border agreement” (Art. 1 Protocol Croatia-FRY), i.e. it is of a provisional nature and apart from the *sui generis* regime around Prevlaka and the entrance to Kotor Bay; and
- (iii) only defines the jurisdiction of Croatia and Montenegro within the 12 nm territorial sea. The Protocol does not apply to the continental shelf, an EEZ or similar functional maritime zones.

This fact led to a severe bilateral dispute in the context of hydrocarbon explorations on the part of Croatia outside the territorial sea between 2013 and 2015 (see [United Nations Law of the Sea Department State File Croatia](#), Additional relevant material; [United Nations Law of the Sea Department State File Montenegro](#), Additional relevant material; see also [Caligiuri 2015](#): 2). Montenegro holds that Croatia was not entitled to define the southern limit of its EFPZ in the first place, without its prior consent as neighbouring State, and that the exploration operations were in part taking place in an area claimed by Montenegro south of the line of azimuth 231° (*note verbale* Permanent Representation of Montenegro at the UN to the UN Secretary-General, 18-05-2015). The American-Austrian consortium returned their exploration licenses at the end of July 2015 also on the grounds that the uncertainties over the lack of a maritime border delimitation affected the planning of the exploration blocs ([Reuters news](#), 29-

07-2015). Montenegro has not declared an EEZ as of yet, but has enabled legislation in place (see e.g. [Costs and benefits arising from the establishment of maritime zones in the Mediterranean Sea, Final Report](#). Commissioned by the European Commission, June 2013: 48).

Despite a general common understanding between Zagreb and Podgorica from 2008 that the International Court of Justice (ICJ) should be entrusted with the task of a final delimitation of the maritime (and land) border between Croatia and Montenegro, there have been no meetings of the bilateral commission since 2016 to agree on the mandate for submission ICJ (see [Caligiuri 2015](#): 2; [European Commission Montenegro 2020 Report](#): 68; [Bickl 2021](#): 301-304).

III.1.2 Slovenia

Neither Croatia nor Italy have a maritime border with Slovenia beyond the territorial sea. In the narrow Gulf of Trieste, maritime delimitation relates to the territorial sea only. There is a settled territorial sea border between Italy Croatia and Slovenia, respectively as the latter two are successors to the Italo-Yugoslav Osimo border from 1975. Therefore, there are no immediate repercussions of the Croatian and Italian EEZs with regard to Slovenia.

However, between Croatia and Slovenia, the territorial sea border, the delimitation in the Bay of Piran, the junction from the Slovenian territorial sea to (what will have been) the high seas, and the land border were subject to an arbitration award. handed down in June 2017. It originated from the EU accession negotiations of Croatia when, in 2009, Slovenia put in a veto, demanding a final settlement of the common State border. As a result of firm mediation by the European Commission, the two parties mandated an arbitration tribunal with the resolution of the dispute. Nevertheless, Croatia unilaterally withdrew from the arbitration procedure in the summer of 2015, following a major disruption of the proceedings due to a leaked intelligence recording of conversations between a Slovenian government representative and the Tribunal member appointed by Slovenia (*ex parte* communication). The Tribunal's [Partial Award](#) (stipulating that the proceedings would continue) and [Final Award](#) have lacked the recognition by the respective governments in Zagreb. At the beginning of 2020, the CJEU ruled that it has no jurisdiction under EU law with regard to its territorial application, but confirmed that the award was a binding settlement under international law ([Case C-457/18](#), paras 101-109). Slovenia had initiated Art. 259 TFEU infringement proceedings against Croatia in 2018. (For the history of the Croatia-Slovenia border dispute see [Bickl 2021](#)).

III.2 Offshore hydrocarbon exploration and exploitation and LNG terminals

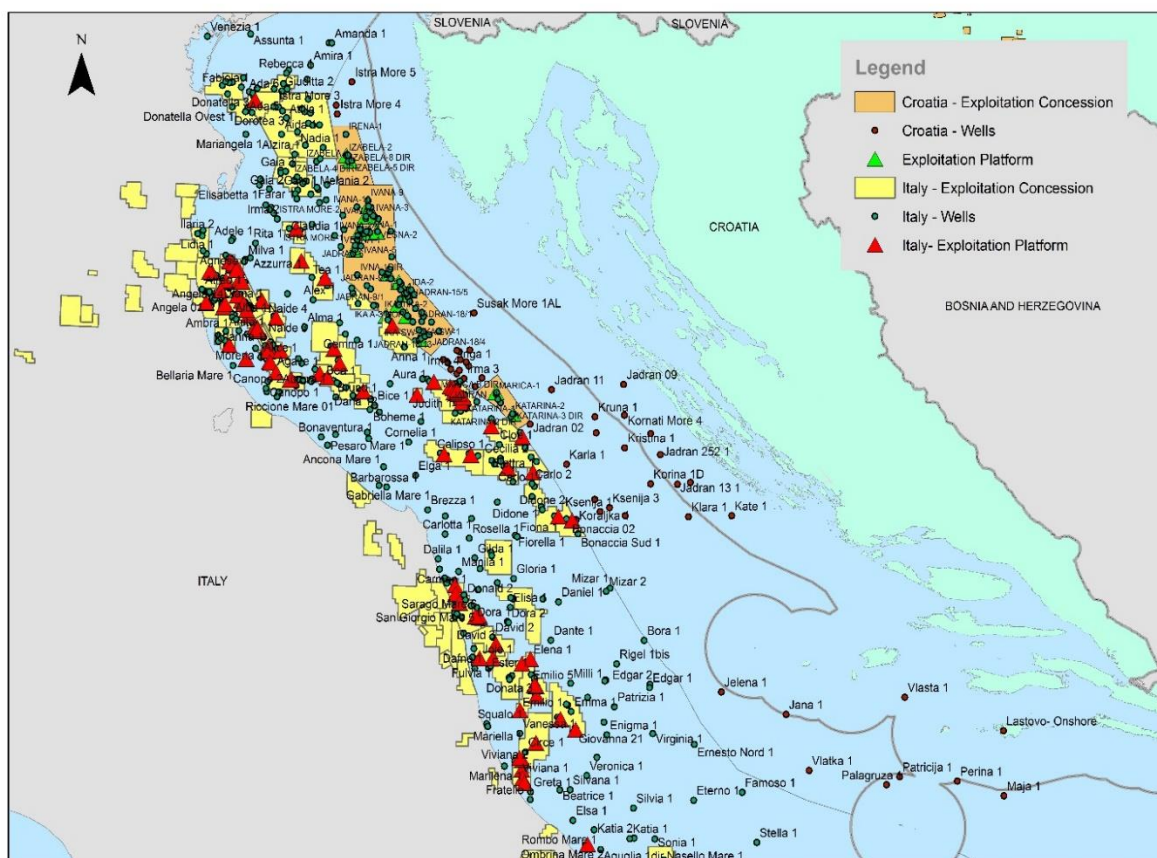
The exploration of gas fields east of the Osimo line in the Northern Adriatic goes back to the 1970s when reservoirs were detected in the quaternary sediments of the (River) Po Depression. Several gas fields were explored between 1978 and 1993. In 1996, Croatia and Italy formed a joint venture between INA (Croatia) and ENI (Italy) for the exploration and exploitation of gas. The joint venture could draw on ENI's vast experience in the production of gas in the offshore area of Ravenna since the late 1960s ([Malvić et al 2011](#): 287-288 ; [Prontera 2015](#): 11-12).

In Croatia, no drilling or exploitation is allowed within the territorial sea, i.e. within 12 nm of the Istrian coastline and the straight baselines respectively further down the coast (which leaves a large area around the coast and islands free of hydrocarbon activities (see also [Prontera 2015](#):

12)). In Italy, however, there is no such restriction and many platforms are in the proximity of the coast (see fig. 2 below) which has led to some environmental concern ([Capece 2014](#) : 212).

Today, Italy produces approx. 5 billion cubic metres of off-shore gas from 197 platforms in the Adriatic per year. Croatia accounts for approx. 1.2 billion cubic metres from 19 platforms (Croatian Hydrocarbon Agency, [Hydrocarbon prospectivity](#)). Exploitation in the Northern Adriatic takes place in a sea depth of 35-70 metres ([Vasiljević 2014](#)) which allows for the use of conventional fixed platforms (CFP) that even allow for directional drilling at relatively low construction and operational costs (European Commission MSP Platform, [Sector Fiche Oil and Gas](#): 189-190). Generally, whilst the overall gas production in Croatia is significantly lower than in Italy, the domestic market share is considerably higher (currently at around 40 percent; see ICLG, [Croatia: Oil and Gas Laws and Regulations 2020](#)). Whilst currently exploited gas fields in the northern Adriatic are depleting and may lead to an end of their exploration by 2040, recent 2D seismic data appears to suggest potential new gas fields (Croatian Hydrocarbon Agency, [Hydrocarbon prospectivity](#); [Vasiljević 2014](#)). INA have declared to “launch the next development phase of the North Adriatic offshore assets” as one of their “priorities for the upcoming years” ([MOL Group Croatia](#)).

Fig. 2 Exploration and exploitation of gas in the Adriatic (source: [Croatian Hydrocarbon Agency](#))



The life-time of an exploitation platform usually spans over 20 to 25 years ([Palkar and Markeset 2012](#): 217). As a result, quite a few of the platforms in the Northern Adriatic will have to be decommissioned soon. CFP platforms tend to be removed, mechanically decomposed and transported to a port for further processing which is a costly process ([Vasiljević 2014](#)). Life-

time extension or unfavourable weather conditions, however, can lead to platforms being damaged or even going missing. Most recently, Croatia's 'Ivana D' platform disappeared on 05 December 2020 regardless of a positive safety inspection two months earlier, and was only found five days later on the seabed around 30 nm northwest of Pula ([HINA news](#), 10-12-2020).

There are two liquid natural gas (LNG) terminals in the Northern Adriatic, one 9 nm off the coast of Porto Levante (Italy) which went into service in 2009 ([Offshore Energy news](#), 31-03-2015), and a brand-new terminal just off Omišalj at Krk Island (Croatia) which was 50 percent co-financed by the EU and started its trial run at the beginning of December 2020 ([ibna news](#), 02-12-2020; interview European Commission DG ENER civil servant, 21-12-2020). Gas-related infrastructure projects, however, will no longer be subject to EU-cofinancing as from 2021 (European Commission [proposal for a revised Regulation on guidelines for trans-European energy infrastructure](#), 15-12-2020) in the context of the [European Green Deal](#).

As for offshore wind power, there are no installations in the Adriatic (yet), despite favourable conditions in the shallow northern Adriatic for bottom-fixed devices (European Commission [study on the offshore grid potential in the Mediterranean](#), November 2020: 13; 16).

III.3 Maritime traffic

Maritime commercial transport in the Adriatic generally is rather dense and comprises container and hydrocarbon (oil and LNG) vessels. On top of the larger container vessels or tankers come the regional fishing fleets, and, during the summer period, recreational vessels such as sailing and motor boats or yachts (for the increasing number of recreational vessel groundings see [Toman and Zec 2020](#)).

With regard to the safety of navigation, there are two Traffic Separation Schemes (TSS) in the Adriatic confirmed by the International Maritime Organisation (IMO), one in the Strait of Otranto in the south (to and from the Ionian Sea), and one in the Northern Adriatic governing the sea lanes to and from the ports of Koper, Trieste and Venice (IMO, [Establishment of new recommended Traffic Separation Schemes and other new Routing Measures in the Adriatic Sea](#) submitted by Albania, Croatia, Italy, Slovenia and Serbia and Montenegro, 27-03-2003; IMO, [New and Amended Existing Traffic Separation Schemes](#), Annex 6, 11-12-2006).

Nevertheless, and although exploitation platforms and other installations are expressly included in the so-called 'areas to be avoided' for vessels of more than 200 gross tonnage, there have been numerous marine accidents in the ten years after the adoption of the latest amendments to existing TSS: no less than 65 within the 12 nm territorial sea (most of them collisions, including with larger cargo vessels and with fixed items), and 20 beyond the territorial sea (Guardia Costiera, [Analysis of traffic monitoring systems](#) 2006-2015, undated; see fig. 3 below).

With the arrival of the new LNG terminal at Krk Island (Croatia), and the increasing role of LNG altogether, it goes without saying that a single maritime incident with an oil or LNG spill might be a catastrophe for the entire Adriatic and its vulnerable ecosystem. Further, it would be prone to endanger the whole tourism sector along the coast that is so vital to the economies along the Adriatic.

Fig. 3 Maritime casualties 2006-2015 (source: Guardia Costiera, [Analysis of traffic monitoring systems](#): 4)



IV. Conclusion and way forward

The maritime jurisdictional landscape in the Adriatic will no longer be the same once Croatia and Italy will have officially declared their Exclusive Economic Zone (EEZ) each. This comes with a number of challenges and opportunities:

- (i) The newly created EEZs of Croatia and Italy should lead to *more*, not less legal certainty and maritime delimitation agreements in the Adriatic altogether.
 - The open issue of the maritime border between Croatia and Montenegro beyond the territorial sea (see III.1.1) should be resolved as soon as possible. It would be a win-win situation for both sides: Montenegro would be able to declare an EEZ fully delimited with Croatia (by the ICJ). Also, a finally delimited EEZ would help re-attract company bidders for exploration or exploitation licences of Croatia in the hitherto disputed waters, perhaps opening up opportunities for a joint venture between Croatia and Montenegro, just as between Croatia and Italy in the northern Adriatic, despite the transitory character of hydrocarbons in the light of greenhouse gas emissions reduction targets.

- Newly created EEZs might boost the resolution of hitherto disputed or dormant bilateral maritime issues in the southern Adriatic. The recent intention of Albania and Greece to [submit the delimitation of their maritime border to the International Court of Justice \(ICJ\)](#) may have created some positive momentum in that respect. Likewise, Montenegro and Albania could be inspired to delimitate their maritime border, too. In the end, both Albania and Montenegro could declare their EEZs in a coordinated manner. As a result, the entire Adriatic could become a fully delimited Sea with an all-EEZ regime to the benefit of all riparian States.
- (ii) Renewable energies could play a more important role alongside hydrocarbons with regard to the production of energy in the Northern Adriatic.
- There are quite favourable conditions for offshore wind power given the shallow northern Adriatic with the possibility of fixed-bottom installations (see last para. III.2). With regard to the lack of space and the need to rigorously respect the safety of maritime traffic, gas platforms that are decommissioned could in principle be replaced by windmills. In any case, they must not interfere with the sea lanes of the TSS. After all, gas is a transitory source of energy on the way to carbon-neutrality by 2050.
 - As wind farms also follow the economies of scale, not least in a narrow maritime space such as the Adriatic, the opportunities of cross-border wind farms should not be lost on the coastal States. The shared and positive experience there has been between Italy and Croatia in the field of offshore hydrocarbons should well bear fruit in the renewables sector, too, and should be open to neighbouring riparian States, e.g. Slovenia or others. An all-EEZ jurisdictional environment undoubtedly is a very useful prerequisite to attract international investment in sustainable energy production.
- (iii) The Adriatic is one of the most over-fished Seas in the world. An all-Adriatic EEZ would provide the unique opportunity of a joint management of the living resources.
- A maritime space beyond the territorial sea is open for fishing to everyone unless the coastal State has claimed an EEZ. However, EEZs covering virtually the whole of the Adriatic would equal a ban for fishing vessels from third countries and would thus open up the opportunity to apply a sustainable fisheries scheme that solely meets the long-term interests of the entire regional marine ecosystem.
 - The Adriatic coastal States that are not yet a member of the EU should be closely aligned or even integrated into the EU fisheries policy including the scheme governing the bilateral access to the territorial sea for certain species according to the [EU Fisheries Regulation 2013/1380](#).