#### PRESIDENTIAL DECREE no. 209 of 27 October 2011

Regulations establishing ecological protection zones in the north-west Mediterranean, the Ligurian Sea and the Tyrrhenian Sea. (11G0252)

(GU n. 293 del 17-12-2011)

text in force as of: 1-1-2012

### THE PRESIDENT OF THE REPUBLIC

Having regard to article 87 of the Constitution;

Having regard to Law no. 349 of 8 July 1986, establishing the Ministry of the Environment and provisions in matter of environmental damage;

Having regard to Presidential Decree no. 816, of 26 April 1977, containing provisions regulating the application of Law no. 1658 of 8 December 1962, authorising adherence to Having regard to the Convention of the United Nations on the Law of the Sea, with Appendices and final act, signed in Montego Bay on 10 December 1982, as well as the Agreement on the application of Part IX of the same Convention, with Appendices, signed in New York on 29 July 1994, ratified and enforced by Law no. 689 of 2 December 1994, and in particular Part V (exclusive economic zone);

Having regard to Law Decree no. 42 of 22 January 2004, containing the code of cultural heritage and landscape, pursuant to article 10 of Law no. 137 of 6 July 2002, as integrated and amended by Law Decree no. 157 of 2006; Having regard to Law no. 61 of 8 February 2006, establishing ecological protection zones beyond the external boundary of the territorial sea, and more specifically article 1, paragraph 2;

Having regard to Law Decree no. 202 of 6 November 2007, enacting Directive 2005/35/CE of the European Parliament and Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements;

Having regard to Law no. 157 of 23 October 2009 which regulates the protection of the underwater cultural heritage in ecological protection zones, established pursuant to Law no. 61 of 8 February 2006 and, more specifically, article 4;

Having regard to agreements on the protection of the marine environment and the underwater cultural heritage, including: the Convention on the prevention of marine pollution by dumping of wastes and other matter signed in London on 29 December 1972,

enforced on 30 August 1975, ratified by Law no. 305 of 2 May 1983, and the related Protocol pursuant to Law no. 87 of 13 February 2006; the Convention for the protection of the Mediterranean Sea from pollution, adopted in Barcelona on 16 February 1976, enforced on 12 February 1978 and related Protocols, ratified by Italy through Law no. 30 of 25 January 1979; the RAMOGE Agreement signed in Monaco on 10 May 1976 and ratified

### Art. 2

# **External boundaries**

1. Pursuant to paragraph 3, of article 1, of Law no. 61 of 8 February 2006, waiting for the delimitation agreements with France and Spain, the external boundaries of the ecological protection zone are defined by the list of points, referred to datum WGS 84, and the segments that join each point to the next one of the following list: 1. 43°34'36"N - 007°41'00"E; 2. 43°25'00"N - 007°42'36"E; 3. 43°05'00"N - 007°55'00"E; 4. 43°18'00"N - 008°26'00"E; 5. 43°40'00"N - 009°00'00"E; 6. 43°19'00"N - 009°35'00"E; the boundary of territorial waters follows up to point: 7. 42°11'42"N - 009°54'30"E; 8. 41°33'24"N -

#### Art. 4

## **Controls and penalties**

1. In the ecological protection zone defined in article 2, the Italian Authorities have jurisdiction in terms of controls and investigations into possible infringements and application of the provided penalties, in accordance with Italian legal regulations, European Union law and International Conventions in force, which Italy has signed and adhered to as a Party.

#### Art. 5

## **Operational procedures**

1. The operational procedures of the regime to apply to the ecological protection zone identified pursuant to article 2 are defined, on a case-by-case basis, by decree of the Ministry for the Environment, the Land and the Sea having heard the other administrations concerned.

This decree, provided with the Great Seal, shall be recorded in the official register of legal regulations of the Republic of Italy. This decree shall be obeyed and enforced by any person to whom it applies.

Rome, 27 October 2011

**NAPOLITANO** 

Berlusconi, President of the Council of Ministries

Prestigiacomo, Minister for the Environment, the Land and the Sea Frattini, Minister of Foreign Affairs

Countersigned by the Keeper of the Seals: Parma

Recorded with the State Auditors' Department on 30 November 2011.

Control Office in charge of verifying deeds of the Ministries of Infrastructures and Transport, register no. 15, sheet no. 309.