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Call for evidence for an impact assessment - Ares(2026)258640

## **Position Paper of CiRAM – Interdepartmental Research Centre on the Adriatic and the Mediterranean (University of Macerata)**

*by*

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### **Executive Summary**

This Position Paper offers a legal-dogmatic and policy-oriented analysis of the European Ocean Pact in response to the European Commission's Call for Evidence.

From the perspective of the Interdepartmental Research Centre on the Adriatic and the Mediterranean (CiRAM), the Pact represents an opportunity to re-systematise the fragmented body of EU ocean-related norms and policies through a horizontal governance framework grounded in legal coherence, effectiveness, and international legitimacy.

The success of the Pact will depend on its capacity to enhance the internal consistency of the EU ocean acquis, to institutionalise cooperation at the level of sea basins – particularly in semi-enclosed seas such as the Adriatic and the Mediterranean – and to ensure full alignment with international law of the sea and international biodiversity law.

Rather than producing new substantive obligations, the Pact should function as an instrument for clarifying existing legal commitments, strengthening their implementation, and reinforcing the Union's role as a rules-based global actor in ocean governance.



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## **1. Institutional Perspective and Scope of the Contribution**

CiRAM is an interdisciplinary academic research centre bringing together scholars in law, political science, economics, history and the social sciences, with a specific geographical and thematic focus on the Adriatic and Mediterranean Sea basins. These maritime spaces constitute particularly complex governance environments, characterised by ecological vulnerability, dense and competing maritime uses, transboundary environmental pressures and persistent geopolitical sensitivities.

CiRAM approaches the European Ocean Pact as an institutional experiment in legal and policy integration. This Position Paper is conceived as an expert contribution aimed at bridging legal analysis and policy design, offering a structured reflection on how the Pact may enhance the effectiveness, legitimacy and systemic coherence of EU ocean governance. The analysis is explicitly framed in response to the Call for Evidence and is intended to support the Commission's impact assessment process.

## **2. Fragmentation of EU Ocean Governance and the Problem Definition**

The diagnosis underlying the European Ocean Pact – namely the fragmentation of EU ocean-related policies and instruments – is legally and empirically well founded. Despite the existence of an extensive and sophisticated *acquis* encompassing fisheries, environmental protection, maritime spatial planning, transport and energy, the dispersion of competences across sectoral regimes continues to generate coordination failures and uneven implementation.

From a legal-dogmatic perspective, this structural disaggregation undermines the normative effectiveness of binding obligations, complicates compliance for both Member States and private actors, and weakens enforcement capacities. These shortcomings are particularly visible in semi-enclosed seas such as the Adriatic and the Mediterranean, where cumulative impacts, shared ecosystems and transboundary pressures render unilateral or purely national approaches intrinsically inadequate.

## **3. Objectives of the European Ocean Pact and Systemic Legal Alignment**

The objectives articulated by the European Ocean Pact – ensuring ocean health, fostering a sustainable and competitive blue economy, and strengthening the EU marine knowledge base – are mutually reinforcing and consistent with the Union's constitutional framework. Their realisation, however, requires a governance architecture capable of translating strategic objectives into operational legal coherence.



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The Pact should be understood as a vehicle for systemic alignment between binding legal obligations and broader policy orientations. In this sense, it offers a framework through which environmental targets, such as those stemming from the Marine Strategy Framework Directive or the Nature Restoration Regulation, may be operationalised in a manner that respects proportionality, legal certainty and the distribution of competences under the Treaties.

#### **4. Strengthened Governance and the Function of the Ocean Act**

Within the architecture of the European Ocean Pact, the proposed Ocean Act should be conceptualised as a horizontal governance instrument rather than a source of autonomous norm production. Its primary function should consist in clarifying the interaction, hierarchy and cumulative effects of pre-existing EU maritime obligations. From a legal perspective, the added value of an Ocean Act lies in its capacity to map and consolidate binding targets across sectoral regimes, to enhance transparency regarding their mutual relationships, and to support coherent implementation at national and regional levels. By prioritising clarification and coordination over regulatory expansion, the Act may contribute to greater normative certainty while avoiding the risks associated with additional layers of regulation.

#### **5. Institutionalising the Sea-Basin Approach**

The sea-basin approach should be elevated from a policy preference to a structural principle of EU ocean governance. Its legal foundation is firmly anchored in international law, notably in the duty of cooperation applicable to semi-enclosed seas, which reflects the functional interdependence of marine ecosystems and maritime activities. For the Adriatic and Mediterranean basins, institutionalising this approach requires formal recognition of sea basins as operational units of governance, enhanced integration of EU macro-regional strategies, and structured cooperation with neighbouring non-EU coastal States. Such measures are essential to prevent normative fragmentation, ensure regulatory alignment and address cumulative environmental pressures in ecologically interconnected maritime areas.

#### **6. Ocean Health, Ecosystem-Based Management and Precaution**

The emphasis placed by the European Ocean Pact on ecosystem-based management and the precautionary principle is consistent with both EU law and international environmental obligations. These principles should, however, be translated into concrete



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regulatory and administrative practices rather than remaining confined to strategic discourse.

In legal terms, this requires their systematic incorporation into permitting and licensing procedures for maritime activities, environmental impact assessment and strategic environmental assessment processes, and adaptive management mechanisms capable of responding to scientific uncertainty and cumulative impacts. The establishment and effective management of Marine Protected Areas, supported by clear legal mandates and enforcement mechanisms, constitutes a central component of this approach.

## **7. Sustainable Blue Economy and Coastal Communities**

A sustainable and competitive blue economy cannot be dissociated from the social and territorial dimensions of ocean governance. In the Adriatic and Mediterranean contexts, particular attention must be devoted to coastal and island communities, including small-scale fisheries, which play a central socio-economic and cultural role.

Embedding considerations of social fairness and territorial cohesion into blue economy policies is essential to ensure their long-term legitimacy and effectiveness. This entails aligning EU funding instruments with ecosystem restoration, climate adaptation and local resilience objectives, while ensuring coherence between coastal development strategies and maritime spatial planning frameworks.

## **8. Research, Knowledge Integration and Ocean Literacy**

Research and knowledge integration constitute indispensable pillars of effective ocean governance. Universities and interdisciplinary research centres should be recognised not merely as external contributors but as structural partners in the implementation, monitoring and evaluation of the European Ocean Pact.

Interdisciplinary research combining legal analysis, environmental science and socio-economic assessment is particularly crucial in addressing complex governance challenges. Ocean literacy initiatives should therefore encompass legal and institutional dimensions, enabling citizens and stakeholders to engage meaningfully with the normative frameworks shaping ocean governance.

## **9. Compatibility with International Law of the Sea and Biodiversity Law**

The European Ocean Pact must explicitly affirm its full compatibility with international law of the sea and international biodiversity law. The United Nations Convention on the Law of the Sea provides the constitutional framework governing maritime spaces, establishing duties of cooperation, environmental protection and peaceful use of the seas.



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Coherence should also be ensured with international biodiversity instruments, including the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction and the Convention on Biological Diversity. A precautionary approach to emerging activities such as deep-sea mining and marine geoengineering is legally warranted in light of existing international obligations requiring robust scientific evidence and comprehensive risk assessment.

## **10. Concluding Remarks**

The European Ocean Pact represents a significant step towards a more integrated, coherent and legally robust framework for EU ocean governance. Its effectiveness will ultimately depend on its capacity to strengthen implementation, institutionalise sea-basin cooperation and translate strategic objectives into enforceable and legitimate legal arrangements.

This Position Paper is intended as a legally grounded contribution to the ongoing institutional reflection on the future architecture of EU ocean governance, with particular reference to the Adriatic and Mediterranean Sea basins.