

Act concerning the exclusive economic zone of Belgium in the North Sea, 22 April 1999

Albert II, King of the Belgians,
extends his greetings to all citizens, present and future.

The Parliament has adopted and we have approved the following:

Article 1. This Act shall govern matters referred to in article 77 of the Constitution.

Chapter I
Exclusive economic zone

Article 2. An exclusive economic zone, hereinafter referred to by the acronym EEZ, shall be established beyond and adjacent to the territorial sea of Belgium, comprising the waters superjacent to the seabed and the seabed and its subsoil.

Article 3. The EEZ of Belgium shall cover that part of the North Sea the outer limit of which is a line composed of segments connecting the following points, defined by their coordinates, in the order in which they are listed:

1. 51°16'09"N 02°23'25"E
2. 51°33'28"N 02°14'18"E
3. 51°36'47"N 02°15'12"E
4. 51°48'18"N 02°28'54"E
5. 51°52'34,012"N 02°32'21,599"E
6. 51°33'06"N 03°04'53"E

The positions of the points listed in this article are expressed in latitude and longitude in accordance with the European geodetic system (regulation 1, 1950).

Chapter II
Legal regime of the exclusive economic zone

Article 4. The EEZ shall be subject to the specific legal regime established by this Act. In the EEZ, the Kingdom of Belgium shall exercise:

1. Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with

regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

2. Jurisdiction with regard to:
 - (a) The establishment and use of artificial islands, installations and structures;
 - (b) Marine scientific research;
 - (c) The protection and preservation of the marine environment;
3. Other rights provided for by international law.

Article 5. In exercising its rights in the EEZ, Belgium shall have due regard to the rights and duties of other States, particularly as concerns freedom of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms which are compatible with other provisions of international law.

Chapter III

Living resources and fishing

Section I

Article 6. Article 1, paragraph 1, of the Act of 12 April 1957 authorizing the King to stipulate measures for the conservation of the living resources of the sea, amended by the Act of 18 July 1973, is replaced by the following:

“The King shall take the necessary measures to ensure the conservation of living resources in both the high seas and the exclusive economic zone and the territorial sea.”

Article 7. Article 2 of the said Act is replaced by the following:

“Article 2.1. Without prejudice to the authority of the criminal investigation service, maritime commissioners and their agents, officials and agents of the Maritime Fisheries Service of the Ministry of Agriculture and the self-employed appointed by the Minister responsible for agriculture, captains of fisheries protection vessels or their crews, commanders of government patrol boats and aircraft or their crews commissioned and non-commissioned naval officers assigned for that purpose, and agents of the Customs and Excise Administration, within the limits of article 168 of the General Customs and Excise Act of 18 July 1977 shall be responsible for ensuring the application of the measures laid down in article 1 and, in particular, for seeking out violations and reporting them in official reports which shall be regarded as authoritative until proven otherwise.

To that end, they may board fishing vessels at any time, require the presentation of all ship’s documents and documentary evidence and enter any premises and areas on board where fishing equipment or fishery products may be kept. They may seize all documents and documentary evidence for examination.

In a case of *flagrante delicto*, they may, for the purpose of instituting proceedings and with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted, to a Belgian port at the expense and risk of the owner or operator and, if necessary, arrest the vessel at the expense and risk of the owner or operator.

In the event that they have serious grounds for believing that violations have been committed, they may, with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted, to a Belgian port, at the expense and risk of the owner or operator. If a violation is then discovered, they may, if necessary, arrest the vessel at the expense and risk of the owner or operator.

When a fishing vessel has been arrested in accordance with this Act, the vessel shall be released immediately in exchange for the deposit by the owner or his agent of a bond or bank guarantee issued by a bank established in Belgium corresponding to an amount determined by the official who reported the offence but which may not exceed the maximum amount of the fine stipulated by this Act, plus a 10 per cent surcharge. The bond or bank guarantee shall be handed over, against a receipt, to the reporting official, who shall deposit it with a legally authorized agency of the Caisse des Dépôts et Consignations.

The fine established by a final court decision, as well as any other charges shall be deducted from the bond. The balance shall be immediately refunded. The interest accrued on the sum deposited shall be added to the bond.

When a foreign fishing vessel is arrested, the flag State shall be notified without delay, through its diplomatic representative, of the measures taken and of the penalties that may subsequently be imposed.

“2. When a violation is discovered, they may, in addition, immediately seize the fishery products, fishing equipment and other means of production. They may have the seized fishery products thrown overboard. They may offer for public sale the seized fishing products, which may be placed on the market in accordance with the European or national regulations in force, provided that this is compatible with public health. The proceeds shall be deposited with the clerk of the competent court until a final decision on the offence has been handed down. This sum shall be considered the equivalent of the seized fishery products for the purposes of both confiscation and any eventual restitution. Seized fishery products which may not be placed on the market in accordance with the European or national regulations in force but which meet public health standards may be donated to a charitable institution or used for some other purpose.

If the seized fishery products do not meet public health standards, they may not be used for human consumption and must be either denatured, processed and used for other purposes, or else destroyed, in either case at the expense of the offender. The fishing equipment and other means of production seized may be returned to the offender against the deposit of a bond or bank guarantee issued by a bank established in Belgium for an amount determined by the official who reported the offence but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge.

This option may not be used, however, if the fishing equipment or means of production do not conform to the European or national regulations in force.

The fishing equipment and other means of production seized shall be impounded by the clerk of the competent court. The bond or bank guarantee shall be handed over, against a receipt, to the official who reported the offence, who shall deposit it with the clerk of the court until a final decision concerning the offence has been handed down. This sum shall be considered the equivalent of the seized fishing equipment and other means of production for the purposes of both confiscation and any eventual restitution.

“3. In the event of conviction, the court may order the confiscation of the fishery products, fishing equipment and other means of production seized.

Confiscation shall be pronounced and destruction ordered in all cases where the fishing equipment or means of production do not comply with the European or national regulations in force and where the nature of the fishery

product warrants such action.

Court-ordered destruction shall be carried out at the expense of the convicted party.”

Article 8. Article 3 of the said Act, as amended by the Act of 23 February 1971, is replaced by the following:

“Article 3. A fine of from one thousand five hundred francs to one hundred thousand francs shall be imposed on any person who:

1. Violates the regulations issued pursuant to this Act;
2. Refuses to allow visits, inspections, checks or sample-taking or to provide information or documents required by the authorities referred to in article 2, paragraph 1;
3. Knowingly provides false information or documents;
4. Refuses to comply with orders given by the authorities referred to in article 2, paragraph 1, pursuant to this act or its implementing regulations.

An offence mentioned in paragraph 1 committed in the territorial sea shall be punishable by a term of imprisonment of from fifteen days to one year and a fine as stipulated in this article or by one of those penalties only.

If the offence is committed between sunset and sunrise or if it is repeated within three years after conviction for one of the offences referred to paragraphs 1 and 2, the above penalties may be doubled.

The offender shall also be ordered to pay all costs incurred, including the costs resulting from the seizure of fishing equipment and means of production.

The provisions of volume I of the Penal Code, including chapter VII and article 85, are applicable to the offences referred to in this article.”

Article 9. Article 4 of the said Act is replaced by the following:

“Article 4. The correctional courts of Antwerp, Bruges, Brussels and Veurne have sole jurisdiction to try offences against this Act and its implementing regulations.”

Section II

Article 10. Article 1 of the Act of 10 October 1978 establishing a Belgian fishing zone is replaced by the following:

“Article 1. A national fishing zone shall be established beyond the territorial sea of Belgium and coterminous with the exclusive economic zone.”

Article 11. Article 3, paragraph 2, of the said Act is replaced by the following:

“This prohibition applies subject to the rights of foreign vessels under the Treaty on European Union and the applicable rules of international law.”

Article 12. Article 4 of the said Act, as amended by the Act of 30 June 1983, is replaced by the following:

“Article 4.1. Without prejudice to the authority of the criminal investigation service, maritime commissioners and their agents, officials and agents of the Maritime Fisheries Service of the Ministry of Agriculture and the

self-employed appointed by the Minister responsible for agriculture, captains of fisheries protection vessels or their crews, commanders of government patrol vessels and aircraft or their crews, commissioned and non-commissioned naval officers assigned for that purpose and agents of the Customs and Excise Administration within the limits of article 168 of the General Customs and Excise Act of 18 July 1977 shall be responsible for ensuring the application of this Act and the regulations issued thereunder and, in particular, for seeking out violations and reporting them in official reports, which shall be regarded as authoritative until proven otherwise.

To that end, they may board fishing vessels at any time, require the presentation of all ship's documents and documentary evidence and enter any premises and areas on board where fishing equipment or fishery products may be kept. They may seize all documents and documentary evidence for examination.

In a case of *flagrante delicto*, they may, for the purpose of instituting proceedings and with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted, to a Belgian port at the expense and risk of the owner or operator and, if necessary, arrest the vessel at the expense and risk of the owner or operator.

In the event that they have serious grounds for believing that violations have been committed, they may, with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted, to a Belgian port at the expense and risk of the owner or operator. If a violation is then discovered, they may, if necessary, arrest the vessel at the expense and risk of the owner or operator.

“2. When a violation is discovered, they may, in addition, immediately seize the fishery products and the fishing equipment and other means of production. They may have the seized fishery products thrown overboard. They may offer for public sale the seized fishery products, which may be placed on the market in accordance with the European or national regulations in force, provided that this is compatible with public health. The proceeds shall be deposited with the clerk of the competent court until a final decision on the offence has been handed down. This sum shall be considered the equivalent of the seized fishery products for the purposes of both confiscation and any eventual restitution. Seized fishery products which may not be placed on the market in accordance with the European or national regulations in force but which meet public health standards may be donated to a charitable institution or used for some other purpose.

If the seized fishery products do not meet public health standards, they may not be used for human consumption and must be either denatured, processed and used for other purposes or else destroyed, in either case at the expense of the offender.

The fishing equipment and other means of production seized may be returned to the offender against the deposit of a bond or bank guarantee issued by a bank established in Belgium for an amount determined by the official who reported the offence, but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge.

This option may not be used, however, if the fishing equipment or means of production do not conform to the European or national regulations in force.

The fishing equipment and other means of production seized shall be impounded by the clerk of the competent court. The bond or bank guarantee shall be handed over to the official who reported the offence, who shall deposit it with the clerk of the court until a final decision concerning the offence has been handed down. This sum shall be considered the equivalent of the seized fishing equipment and other means of production for the purpose of both confiscation and any eventual restitution.

“3. In the event of conviction, the court may order the confiscation of the fishery products, fishing equipment and

other means of production seized.

Confiscation shall be pronounced and destruction ordered in all cases where the fishing equipment or means of production do not comply with the European or national regulations in force and where the nature of the fishery product warrants such action.

Court-ordered destruction shall be carried out at the expense of the convicted party.”

Article 13. Article 5 of the said Act is replaced by the following:

“Article 5. When a fishing vessel has been arrested in accordance with this Act, the vessel shall be released immediately in exchange for the deposit by the owner or his agent of a bond or guarantee from a bank established in Belgium corresponding to an amount determined by the official who reported the offence, but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge. The bond or bank guarantee shall be handed over, against a receipt, to the reporting official, who shall deposit it with a legally authorized agency of the Caisse des Dépôts et Consignations.

The fine established by a final court decision as well as any other charges shall be deducted from the bond. The balance shall be immediately refunded. The interest accrued on the sum deposited shall be added to the bond.

When a foreign fishing vessel is arrested, the flag State shall be notified without delay, through its diplomatic representative, of the measures taken and of the penalties that may subsequently be imposed.”

Article 14. Article 6 of the said Act, as amended by the Act of 30 June 1983, is replaced by the following:

“Article 6. A fine of from one thousand five hundred francs to one hundred thousand francs shall be levied on any person who:

1. Violates this Act or the regulations issued pursuant thereto;
2. Refuses to allow visits, inspections, checks or sample-taking or to provide information or documents required by the authorities referred to in article 4, paragraph 1;
3. Knowingly supplies false information or documents;
4. Refuses to comply with orders given by the authorities referred to in article 4, paragraph 1, pursuant to this Act or its implementing regulations. If the offence is committed between sunset and sunrise or is repeated within three years after conviction for one of the offences referred to in subparagraph 1, the above penalties may be doubled.

The offender shall also be ordered to pay all costs incurred, including the costs resulting from the seizure of fishing equipment and means of production. The provisions of Volume I of the Penal Code, including chapter VII and article 85, are applicable to the offences referred to in this article.”

Article 15. Article 7 of the said Act is replaced by the following:

“Article 7. The correctional courts of Antwerp, Bruges, Brussels and Veurne have sole jurisdiction to try offences against this Act and its implementing regulations.”

Section III

Article 16. The title of the Act of 19 August 1891 on maritime fishing in territorial waters is replaced by the following:

“Act of 19 August 1891 on maritime fishing in the territorial sea.”

Article 17. Article 1 of the said Act is replaced by the following:

“Article 1. Fishing in the territorial sea is under Belgian jurisdiction.

The following are deemed to be fishing activities:

1. The catching or attempted catching of any fish, molluscs or shellfish;
2. The destruction or removal of spawn, fry or spat.

Foreign fishing vessels are prohibited from fishing in the territorial sea.

This prohibition is subject to the rights arising for foreign ships under the Treaty on European Union and the applicable rules of international law.”

Article 18. Article 3 of the said Act is replaced by the following:

“Article 3.1. Without prejudice to the authority of the criminal investigation service, maritime commissioners and their agents, officials and agents of the Maritime Fisheries Service of the Ministry of Agriculture and the self-employed appointed by the Minister responsible for agriculture, captains of fisheries protection vessels or their crews, commanders of government patrol boats and aircraft or their crews, commissioned and non-commissioned naval officers assigned for that purpose and agents of the Customs and Excise Administration within the limits of article 168 of the General Customs and Excise Act of 18 July 1977 shall be responsible for ensuring the application of this Act and of the regulations issued thereunder, and, in particular, for seeking out violations and reporting them in official reports which shall be regarded as authoritative until proven otherwise.

To that end, they may board fishing vessels any time, require the presentation of all ship’s documents and documentary evidence and enter any premises and areas on board where fishing equipment or fishery products may be kept. They may seize all documents and documentary evidence for examination.

In a case of *flagrante delicto*, they may, for the purpose of instituting proceedings and with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted to a Belgian port at the expense and risk of the owner or the operator and, if necessary, arrest the vessel at the expense and risk of the owner or operator.

In the event that they have serious grounds for believing that violations have been committed, they may, with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted, to a Belgian port at the expense and risk of the owner or operator. If a violation is then discovered, they may, if necessary, arrest the vessel at the expense and risk of the owner or operator.

Where a fishing vessel has been arrested in accordance with the provisions of this Act, the vessel shall be released immediately in exchange for the deposit by the owner or his agent of a bond or bank guarantee issued by a bank established in Belgium, corresponding to an amount determined by the official who reported the offence, but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge. The bond or bank guarantee shall be handed over, against a receipt, to the reporting official, who shall deposit it with a legally authorized agency of the Caisse des Dépôts et Consignations.

The fine established by a final court decision, as well as any other charges, shall be recovered from the bond. The balance shall be immediately refunded. Any interest on the amount deposited shall be added to the bond.

When a foreign fishing vessel is arrested, the flag State shall be notified without delay, through its diplomatic representative, of the measures taken and of the penalties that may subsequently be imposed.

“2. When a violation is discovered, they may, in addition, immediately seize the fishery products and the fishing equipment and other means of production. They may have the seized fishery products thrown overboard. They may offer for public sale the seized fishery products, which may be placed on the market in accordance with the European or national regulations in force, provided that this is compatible with public health. The proceeds shall be deposited with the clerk of the competent court until a final decision on the offence has been handed down. This sum shall be considered the equivalent of the seized fishery products for the purposes of both confiscation and any eventual restitution. Seized fishery products which may not be placed on the market in accordance with the European or national regulations in force but which meet public health standards may be donated to a charitable institution or used for some other purpose.

If the seized fishery products do not meet public health standards, they may not be used for human consumption and must be either denatured, processed and used for other purposes, or else destroyed, in either case at the expense of the offender.

The fishing equipment and other means of production seized may be returned to the offender, against the deposit of a bond or bank guarantee issued by a bank established in Belgium for an amount determined by the official who reported the offence, but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge.

This option may not be used, however, if the fishing equipment or means of production do not conform to the European or national regulations in force.

The fishing equipment and other means of production seized shall be impounded by the clerk of the court. The bond or bank guarantee shall be handed over to the official who reported the offence, who shall deposit it with the clerk of the court until a final decision concerning the offence has been handed down. This sum shall be considered the equivalent of the seized fishing equipment and other means of production for the purpose of both confiscation and any eventual restitution.

“3. In the event of conviction, the court may order the confiscation of the fishery products, fishing equipment and other means of production seized.

Confiscation shall be pronounced and destruction ordered in all cases where the fishing equipment and other means of production do not comply with the European or national regulations in force or where the nature of the fishery product warrants such action.

Court-ordered destruction shall be carried out at the expense of the convicted party.”

Article 19. Article 4 of the said Act is abrogated.

Article 20. Article 5 of the said Act is abrogated.

Article 21. Article 6 of the said Act is replaced by the following:

“Article 6. A sentence to a term of imprisonment of from fifteen days to one year and a fine of from one thousand five hundred francs to one hundred thousand francs or only one of those penalties shall be imposed on any person who:

1. Violates this Act or the regulations issued pursuant thereto;

2. Refuses to allow visits, inspections, checks, or sample-taking or to provide information or documents required by the authorities referred to in article 3, paragraph 1;
3. Knowingly provides false information or documents;
4. Refuses to comply with orders given by the authorities referred to in article 3, paragraph 1, pursuant to this Act or its implementing regulations.

If the offence is committed after sunset and before sunrise, or if it is repeated within three years after conviction for one of the offences referred to in paragraph 1, the above penalties may be doubled.

The offender shall also be ordered to pay all costs incurred, including the costs resulting from the seizure of fishing equipment and means of production.

The provisions of volume I of the Penal Code, including chapter VII and article 85, are applicable to the offence referred to in this article.”

Article 22. Article 7 of the said Act is abrogated.

Article 23. Article 9 of the said Act is replaced by the following:

“Article 9. The correctional courts of Antwerp, Bruges, Brussels and Veurne have sole jurisdiction to try offences against this Act and its implementing regulations.”

Article 24. Article 10 of the said Act is abrogated.

Section IV

Article 25. The Act of 28 March 1975 on trade in agricultural, horticultural and maritime fishery products is also applicable in the EEZ with respect to fishing-related activities.

The prison sentences established thereunder do not apply to violations committed within the EEZ.

Chapter IV Non-living resources

Article 26. The title of the Act of 13 June 1969 on Belgium’s continental shelf is replaced by the following title: “Act on the exploration and exploitation of non-living resources in the territorial sea and the continental shelf”.

Article 27. Article 1 of the said Act is replaced by the following:

“Article 1. The Kingdom of Belgium shall exercise its sovereignty over the territorial sea and sovereign rights over the continental shelf for the purpose of exploring and exploiting mineral and other non-living resources.”

Article 28. Article 2 of the said Act is replaced by the following:

“Article 2. Belgium’s continental shelf comprises the seabed and subsoil of the submarine areas adjacent to the coasts but beyond the territorial sea, the outer limit of which is a line composed of segments connecting the

following points, defined by their coordinates, in the order in which they are listed:

1. 51°16'09"N 02°23'25"E
2. 51°33'28"N 02°14'18"E
3. 51°36'47"N 02°15'12"E
4. 51°48'18"N 02°28'54"E
5. 51°52'34,012"N 02°32'21,599"E
6. 51°33'06"N 03°04'53"E

The positions of the points listed in this article are expressed in latitude and longitude in accordance with the European geodetic system (regulation 1, 1950).”

Article 29. Article 3 of the said Act is amended as follows:

1. The words “*lits de la mer*” are replaced by the words ‘*fonds marin*’.
2. The following paragraph is added to the article:

“It also determines the procedure to be followed for the partial or complete withdrawal or transfer of the concession.”

Article 30. Article 4 of the said Act is replaced by the following:

“Article 4. The laying of cables and pipelines which enter the territorial sea or the national territory, or which are constructed or used in connection with the exploration of the continental shelf or exploitation of mineral and other non-living resources, or the operations of artificial islands, installations and structures under Belgian jurisdiction,

shall be subject to the obtaining of a permit, which shall be granted or revoked in accordance with procedures established by the King.

Pipeline trajectories must be approved by the King, taking into consideration the exploration of the continental shelf and the exploitation of mineral and other non-living resources.

The King may impose additional measures to prevent, reduce or control pollution from pipelines.”

Article 31. Article 5 of the said Act is amended as follows:

1. In the first paragraph, the words “installations and other structures established on the high seas” are replaced by the words “artificial islands, installations, and other structures”;
2. In the same paragraph, the word “natural” is replaced by the words “mineral and other non-living resources”;
3. In the third paragraph, the word “sea” is replaced by the words “of the sea and of the flora and fauna and their habitats”;

Article 32. Article 6 of the said Act is amended as follows:

1. In the first paragraph, the words “artificial island” are inserted between the words “for each” and “installation

or structure”;

2. In the same paragraph, the words “in the territorial sea or” are inserted between the words “situated” and “on the continental shelf”;

3. In the second paragraph, the words “artificial islands” are inserted between the words “of the outer edge of those” and “installations or structures”.

Article 33. Article 7 of the said Act is amended as follows:

1. The words “installations or other structures situated on the high seas” are replaced by the words, “artificial islands, installations and other structures”;

2. The words “in the territorial sea or” are inserted between the words “permanently established” and “on the continental shelf”.

3. The words “on those installations or structures” are replaced by the words “on those artificial islands, installations and structures”.

Article 34. In the first paragraph of article 8 of the said Act the words “on an installation or other structure referred to in the previous article” are replaced by the words “on the artificial islands, installations or structures referred to in this Act”.

Article 35. In the first paragraph of article 9 of the said Act, the words “an artificial island or” are inserted between the words “with regard to” and “an installation”.

Article 36. The following new article 10 is inserted in the said Act:

“Article 10. Violations of this Act or of its implementing regulations shall be punished in accordance with articles 55 and 56 of the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea.”

Chapter V

Artificial islands, installations and structures

Article 37. In the EEZ, Belgium shall have exclusive jurisdiction over artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

In the territorial sea, Belgium shall have sovereignty over artificial islands, installations and structures.

Article 38. The provisions relating to artificial islands, installations and structures referred to in the Act of 13 June 1969 on the exploration and exploitation of non-living resources in the territorial sea and on the continental shelf shall also apply to artificial islands, installations and structures established in the EEZ and the territorial sea for purposes other than the exploration and exploitation of mineral and other non-living resources.

Article 39. Any installations or structures in the EEZ which are abandoned or disused shall be removed, in particular to ensure safety of navigation. This provision is also applicable to the territorial sea.

Chapter VI

Marine scientific research

Article 40. Any marine scientific research of whatever nature, conducted in the territorial sea and the EEZ by a ship, aircraft, submarine or piece of equipment originating abroad shall be subject to the consent of the Minister responsible for foreign affairs, who shall consult the ministers concerned to that end.

Article 41.1. In order to obtain the consent referred to in article 40, a request shall be transmitted through the diplomatic channel not less than three months prior to the commencement of the project in question. The King shall determine the information that should accompany such a request.

2. If a marine scientific research project is undertaken under the auspices of an international organization of which Belgium is a member or with which Belgium has a bilateral agreement and if the project has been approved by Belgium, Belgium shall be deemed to have authorized the marine scientific research conducted in the territorial sea and the EEZ in relation to the project, unless it indicates its objection within two months of the official request being lodged through the diplomatic channel.

Article 42. In addition to the requirement to meet the conditions provided for under international law, the conduct of the marine scientific research by foreign ships in the territorial sea and the EEZ shall be subject to Belgian legislation relating to the protection and conservation of the marine environment. Article 43.1. The establishment and use in the territorial sea and the EEZ of scientific installations or scientific equipment of any kind are subject to the provisions of chapter VI.

2. The installations or equipment concerned shall carry identification marks indicating the State of registration or the international organization to which the installations or equipment belong, as well as the signalling equipment stipulated by the King.

3. The Provisions of this article shall not confer the status of artificial island on the installations and equipment concerned.

Article 44. If the marine scientific research proves not to have been conducted in conformity with the conditions set forth in this chapter, it shall be subject to suspension or stoppage, under the conditions and in accordance with the modalities laid down in international law.

Article 45. The King shall adopt any additional measures that might be required in fulfilment of the provisions of this chapter. The King may grant a special dispensation in specific cases.

Chapter VII

Protection of the marine environment

Article 46. Belgium shall exercise its jurisdiction in the EEZ in respect of the protection and preservation of the marine environment, including the protection and conservation of species of fauna and flora, their habitats and their physical environment. The exercise of such jurisdiction shall be governed by the relevant Belgian legislation.

Chapter VIII

Customs, taxation, health and immigration controls

Article 47. In the first 12 nautical miles of the EEZ, namely in an area extending to 12 nautical miles adjoining its territorial sea, Belgium shall exercise the necessary control with a view to:

1. Preventing violations of the customs, fiscal, immigration or health legislation or regulations in force in its territory or in its territorial sea;
2. Suppressing any violation of such legislation or regulations in its territory or in its territorial sea.

Article 48. Article 167 of the General Customs and Excise Act of 18 July 1977 is replaced by the following:

“Article 167. The customs service shall have jurisdiction over:

1. An area along the coast extending to a distance of 5 kilometres inland from the low-water line;
2. The territory of the maritime ports and aerodromes subject to customs and an area extending to 250 metres from the limits of such territory.”.

Article 49. Article 168 of the said Act shall be replaced by the following:

“Article 168. Officers shall, in the area specified in article 47 of the Act of 22 April 1999 concerning Belgium’s exclusive economic zone in the North Sea, exercise full control with a view to:

1. Preventing violations of the laws and regulations enforceable by the customs service in Belgian territory or in its territorial sea;
2. Suppressing any violation of those laws and regulations in Belgian territory or in its territorial sea.”.

Article 50. Article 169 of the said Act is replaced by the following:

“Article 169.1. Without prejudice to the provisions relating to the right of innocent passage, officials may, in Belgium’s territorial sea, visit ships and require submission of bills of lading and other ships’ papers relating to cargo, with a view to verifying whether the merchandise on board complies with customs and excise regulations or measures prohibiting, restricting or controlling imports, exports or transit and may report violations of the above-mentioned provisions.

2. For the purposes of this article, the word “ship” shall be taken to mean any vessel or any piece of equipment of any kind, including flat-bottomed vessels and seaplanes used or capable of being used as a means of transport on water, or fixed or floating platforms.”.

Chapter IX

Amendments to the Judicial Code

Article 51. The following paragraph is added to article 513 of the Judicial Code as amended by the Act of 6 April 1992:

“Bailiffs having their offices in the judicial circuits of Antwerp, Bruges and Veurne shall be competent to act on the territorial sea referred to in article 1 of the Act of 6 October 1987 establishing the breadth of the territorial sea of Belgium and in the exclusive economic zone referred to in article 2 of the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea.”

Article 52. Article 569 of the said Code is amended as follows:

(a) Paragraph 1, subparagraphs 24-27, inserted by the Acts of 4 August 1992, 5 August 1992, 6 August 1993, 20 May 1994, 30 June 1994 and 28 October 1996, is replaced by the following text:

“24. Applications for credit facilities provided for in article 59 of the Act of 4 August 1992 on mortgages;

25. Proceedings brought under article 49 of the Act on the police;

26. Claims referred to in article 13 of the Act of 30 June 1994 incorporating into Belgian law the European directive of 14 May 1991 concerning the legal protection of computer programmes;

27. Proceedings brought under article 93 of the Act of 20 May 1994 on the regulations governing military personnel;

28. Claims based on the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, done at Brussels on 18 December 1971, the Protocol to the said Convention, done at London on 19 November 1976, and the Act on the approval and execution of the said Convention and Protocol;

29. Claims for the restitution of cultural property brought on the basis of article 7 of the Act of 28 October 1996 on the restitution of cultural property removed illicitly from the territory of certain foreign States.”;

(b) The said paragraph, which was amended most recently by the Act of 28 October 1996, is supplemented as follows:

“30. In the absence of other provisions awarding jurisdiction, claims brought under the Act of 22 April 1999 on the exclusive economic zone of Belgium in the North Sea”;

(c) Paragraph 2, which was amended most recently by the Act of 28 October 1996, is replaced by the following paragraph:

“The court of first instance of Brussels shall have sole jurisdiction in the cases stipulated in paragraph 1, subparagraphs 8, 17, 28 and 29, and the court of first instance of Antwerp in the case stipulated in paragraph 1, subparagraph 18.”.

Article 53. Article 627 of the said Code, which was amended most recently by the Act of 10 February 1998, is

supplemented as follows:

“15. The court of first instance of Antwerp in the case of claims brought under the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea”.

Article 54. The following paragraph is added to article 633 of the said Code:

“If the claim relates to a seizure effected in the territorial sea referred to in article 1 of the Act of 6 October 1987 establishing the breadth of the territorial sea of Belgium or in the exclusive economic zone referred to in article 2 of the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea, the seizures judges of the Antwerp, Bruges and Veurne districts shall be equally competent.”.

Chapter X Penal provisions

Article 55. With regard to chapters V and VI of this Act and its implementing regulations,

1. Any person who has engaged without a permit or concession in an activity for which a permit or concession is required shall be punished by a term of imprisonment of from fifteen days to one year and a fine of from one thousand francs to one million francs or by only one of those penalties;
2. Any person who has failed to comply with the conditions or modalities stipulated in the permit or concession issued or granted to him shall be punished by a term of imprisonment of from fifteen days to one year and a fine of from two hundred francs to five hundred thousand francs or by only one of those penalties;
3. Any person who has refused a competent official or officer access as stipulated in article 60 of this Act shall be punished by a term of imprisonment of from fifteen days to one year and a fine of from two thousand francs to one hundred thousand francs or by only one of those penalties;
4. Any person who has failed to respect the safety zones and measures established in application of article 6 of the Act of 13 June 1969 concerning the exploration and exploitation of the non-living resources of the territorial sea and the continental shelf shall be punished by a term of imprisonment of from fifteen days to one year and a fine of from one thousand francs to one hundred thousand francs or by only one of those penalties.

If the offence is committed between sunset and sunrise or if it is repeated within three years after conviction for one of the offences referred to in paragraph 1, the above penalties may be doubled.

Article 56. Bodies corporate shall be liable for payment of damages, fines and costs resulting from the conviction of their organs or employees for violations of the provisions of this Act or its implementing regulations.

Article 57. Persons punished by a fine under article 55 shall be obliged to pay 20 per cent of that fine into the Environment Fund.

Article 58. In section “25.4 Environment Fund” of the table annexed to the Organization Act of 27 December 1990 on the establishment of budget funds, the words “the fines under article 55 of the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea” are inserted between the words “the fines under article 30

of the Act of 6 April 1995 on prevention of the pollution of the sea by vessels” and “Nature of authorized expenses”.

Article 59. Without prejudice to the authority of the criminal investigation service, maritime commissioners and officials and officers of the Maritime Police, commanders of patrol boats and aircraft and their crews, officials and officers of the Unit for the Management of the Mathematical Model of the North Sea, officials and officers of the Ministry of Economic Affairs designated by the minister responsible for economic affairs and commissioned and non-commissioned naval officers assigned for that purpose shall be responsible for ensuring the application of this Act and its implementing regulations. They shall seek out offences and report them in official reports, which shall be regarded authoritative unless proven otherwise.

Article 60. The officials and officers referred to in article 59 shall at all times have the right of access to vessels, enterprises, moorings, artificial islands, installations, structures and other places, provided that their presence can reasonably be deemed necessary for the fulfilment of their task, in order to draw up the reports integral thereto. They may be assisted by experts. They may, if necessary, have recourse to the police and the armed forces in order to gain access to those places.

Article 61. All persons competent under these provisions to monitor the application of this Act shall, when carrying out such monitoring, whether in uniform or otherwise, present identification such as may be considered reasonably sufficient to indicate their competence under this Act, the model for such identification to be established by the King.

Article 62. All provisions of Volume 1 of the Penal Code, including chapter VII and article 85 are applicable.

We promulgate this Act and order that it should be sealed with the State seal and published in the *Moniteur belge*.

Issued at Brussels, on 22 April 1999.