

Royal Decree 1315/1997, of 1 August 1997, establishing a Fisheries Protection Zone in the Mediterranean Sea

I. General Provisions

Act 15/1978, of 20 February, on the exclusive economic zone, provides in its first final provision that the extension of the Spanish Exclusive Economic Zone to 200 miles shall apply only to the Spanish coasts, both peninsular and insular, on the Atlantic Ocean, including the Bay of Biscay. Nevertheless, that final provision authorizes the Government to approve its extension to other Spanish coasts.

As the Government had not exercised the authority accorded to it by that final provision, Act 15/1978 was not applicable to the Mediterranean Sea, and accordingly Spain, in conformity with the United Nations Convention on the Law of the Sea, opened for signature at Montego Bay on 10 December 1982 and ratified by Spain on 15 January 1997, exercises sovereign jurisdiction in that sea only over the 12 nautical miles of the territorial sea, and specialized jurisdiction in the other 12 miles corresponding to the contiguous zone.

The Mediterranean Sea possesses some very specific characteristics in terms of the living marine resources that are found in its waters. For example, it is one of the few breeding grounds in the world for the red tuna, whose uncontrolled exploitation by countries in disregard of the Recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), which cover the adjacent seas, including the Mediterranean, may lead to a truly critical situation for this species.

In the course of recent years there has been a marked increase in the fishing effort by industrial vessels from countries not belonging to the Mediterranean basin, operating in many cases without any kind of control barely 12 miles from the coastal zones.

Community conservation and control measures are not applicable beyond 12 miles measured from the baselines of the coastal States to vessels flying other flags, with the consequent frustration to which this gives rise both for the fisheries sector and for the resource management policy Spain is seeking to pursue in the Mediterranean.

On the other hand, it is in Spain's interest, in order not to increase the regional imbalances at the national level, to maintain a labour-intensive small-scale fleet in the Mediterranean engaging in high-quality fishing.

The over-exploitation of the fishery resources of the Mediterranean necessitates the taking of measures to prevent the fish populations being exhausted in the near future. To this end, an appropriate resource conservation policy needs to be pursued, and this is impossible to implement when these measures are restricted to the 12 miles of the territorial sea.

Accordingly, and in exercise of the authority given by the first final provision of Act 15/1978, of 20 February, on the economic zone, it is deemed necessary to establish in the Mediterranean Sea a fisheries protection zone between Cabo de Gata and the French border. This zone is the one in greatest need of protection, in that it is the optimum one of the main fish species.

In drawing it up, the sector concerned was consulted.

Wherefore, on the proposal of the Minister of Agriculture, Fisheries and Food in agreement with the Council of State, and after deliberation by the Council of Ministers at its meeting of 1 August 1997,

I order:

Article I

A fisheries protection zone is hereby established in the Mediterranean Sea, delimited by an imaginary line starting from Punta Negra-Cabo de Gata (latitude 36° 43' 35" North; longitude 002° 9' 95" West), proceeding in the direction 181° (S001 W) to the point (latitude 35° 54' 5 " North; longitude 002° 12' 0" West) at a distance of 49 nautical miles from the above-mentioned starting point, and continuing eastward to the equidistant line with neighbouring countries, drawn in conformity with international law, up to the maritime boundary with France.

Article II

In the said zone, the Kingdom of Spain shall have sovereign rights for purposes of conservation of living marine resources, as well as for the management and control of fishery activity, without prejudice to the measures for protection and conservation of resources that have been or may be enacted by the European Union.

Final Provision: Entry into Force

The present Royal Decree shall enter into force on the day following its publication in the Official Gazette of the State.

DONE at Palma de Mallorca on 1 August 1997

Spain