

Pursuant to Article 1042 of the Maritime Code and on the basis of Article 55 of the United Nations Convention on the Law of the Sea, the Croatian Parliament, at its session of 3 October 2003, has adopted the

***DECISION
ON THE EXTENSION OF THE JURISDICTION
OF THE REPUBLIC OF CROATIA IN THE ADRIATIC SEA***

On the basis of the 1982 United Nations Convention on the Law of the Sea which establishes the right of coastal States to proclaim the exclusive economic zone, and Part V of the Convention which determines the sovereign rights and jurisdiction of coastal States, and rights of other States in this zone,

Keeping in view the 1994 Maritime Code which in Chapter IV (Articles 33 through 42) defines the exclusive economic zone of the Republic of Croatia and sovereign rights and jurisdiction which Croatia can exercise in it, and which in Article 1042 stipulates that the Croatian Parliament is to decide on the proclamation of the exclusive economic zone of the Republic of Croatia, and which states that the provisions of Articles 33 through 42 shall become applicable once the Croatian Parliament has decided to proclaim the exclusive economic zone,

Concerned about the fact that the living resources of the Adriatic Sea are seriously endangered,

Considering the fact that in the past several years the fishing pressure of non-Adriatic and non-Mediterranean States, including the use of the so-called industrial vessels, has been growing,

Aware of the fact that excessive exploitation of the living resources of the Adriatic Sea, due to the impossibility of applying the measures for planning, restricting and controlling the fisheries, mostly occurs in the part of the Adriatic under the high seas regime,

Convinced that the continuation of such practices endangers the sustainable management of fish stocks and their sustainable exploitation, and that it encourages illegal, unregulated and unregistered fishing, and that it is detrimental to the interests of the Republic of Croatia and all other Adriatic States,

Bearing in mind that, according to the definition contained in the United Nations Law of the Sea Convention (Article 122), the Adriatic Sea is an enclosed or semi-enclosed sea, which, because of its small size, is far more vulnerable to pollution than is the case with other seas,

Aware that a disaster, like the one involving the tanker "Prestige", would have a devastating effect on the living resources of the Adriatic and would cause serious social and economic consequences to the coastal area of the entire Adriatic, including the Croatian economy in general and the Croatian tourism in particular,

Supporting the multilateral efforts aimed to ensure sustainable fisheries in the Mediterranean, as well as the main principles on which arrangements are being made for the Ministerial Conference on Sustainable Fisheries in the Mediterranean scheduled for November 2003 in Venice, in particular:

- the sovereign right of every State to extend, in accordance with international law, its jurisdiction on the sea;
- the extension of national jurisdiction as a way of ensuring and controlling sustainable fisheries;
- a need for urgent action for protecting both the fish stocks and the marine environment;
- co-ordination of measures taken by all coastal States in the field of research, management and fisheries control;
- resort to multilateral mechanisms in reaching these goals,

Believing that the extension of national jurisdiction in the Mediterranean will create conditions for sustainable fisheries, contribute to efficient prevention of illegal, unregistered and unregulated fisheries, and lay foundations for productive bilateral and multilateral co-operation of the Mediterranean States,

Reaffirming the sovereign rights and jurisdiction which the Republic of Croatia, in conformity with international law, is already exercising over its continental shelf,

Taking into account the interests of the Republic of Croatia to preserve traditional fisheries in the Adriatic as one of the principal preconditions for the development of tourism and as an incentive for the local population to remain on the islands,

As a prerequisite for long-term sustainable and rational management of the living resources of the sea and for appropriate protection of the marine environment of the Adriatic Sea, in accordance with Part V of the 1982 United Nations Convention on the Law of the Sea and pursuant to Article 1042 of the Maritime Code:

1. The Croatian Parliament hereby proclaims the content of the exclusive economic zone related to the sovereign rights for the purpose of exploring and exploiting, conserving and managing the living resources beyond the outer limits of the territorial sea, as well as the jurisdiction with regard to marine scientific research and the protection and preservation of the marine environment, whereby the ecological and fisheries protection zone of the Republic of Croatia is established as of today.
2. The Croatian Parliament reserves the right to proclaim, when it deems appropriate, the other elements of Chapter IV of the Maritime Code, in accordance with the United Nations Convention on the Law of the Sea.
3. The implementation of the legal regime of the ecological and fisheries protection zone of the Republic of Croatia shall commence twelve months after its establishment. As of that day, the implementation of Articles 33, 34 paragraph 1(a), Articles 35, 41 and 42 contained in the Chapter IV Economic Zone of the Maritime Code, shall also commence. The said period shall be used for preparing the implementation mechanisms and for possible signing of agreements or making arrangements with interested States and the European Communities.

4. Without prejudice to the sovereign rights and jurisdiction of the Republic of Croatia, the ecological and fisheries protection zone of the Republic of Croatia protected in this manner, remains a sea area where all States shall enjoy freedoms, as guaranteed under international law, of navigation, overflight, laying submarine cables and pipelines, and other internationally lawful uses of the sea.

5. The ecological and fisheries protection zone of the Republic of Croatia comprises the maritime area from the outer limit of the territorial sea seaward up to its outer limit allowed under general international law. The outer limit of the ecological and fisheries protection zone of the Republic of Croatia shall be determined through the delimitation agreements with the States whose coasts are opposite or adjacent to the Croatian coast.

6. Pending the conclusion of the delimitation agreements, the outer limits of the ecological and fisheries protection zone of the Republic of Croatia shall temporarily follow the delimitation line of the continental shelf established under the 1968 Agreement between the SFRY and the Italian Republic on Delimitation of the Continental Shelf, and, in adjacent delimitation, the line following the direction of and continuing the provisional delimitation line of the territorial seas, as defined in the 2002 Protocol on the Interim Regime along the Southern Border between the Republic of Croatia and Serbia and Montenegro.

7. The Republic of Croatia will closely co-operate with all Adriatic and other interested Mediterranean States in an effort to protect the Adriatic and the Mediterranean through a concerted action.

8. This Decision shall become effective forthwith.

File No: 302-01/03-01/02
Zagreb, 3 October 2003

CROATIAN PARLIAMENT

PRESIDENT OF
THE CROATIAN PARLIAMENT

Zlatko Tomčić
(signed)

Text of note verbale No. 331/2003 dated 29 October 2003 from the Permanent Mission of Croatia, transmitting the text of the Decision on the Extension of the Jurisdiction of the Republic of Croatia in the Adriatic Sea

The Permanent Mission of the Republic of Croatia to the United Nations presents its compliments to the Secretary-General of the United Nations in his capacity as the depository of the United Nations Convention on the Law of the Sea of 1982, and has the honour to inform of the following:

The Croatian Parliament passed the Decision on the Extension of the Jurisdiction of the Republic of Croatia in the Adriatic Sea on 3 October 2003. By that act of the Croatian Parliament, as of that day, the ecological and fisheries protection zone of the Republic of Croatia has been established beyond the outer limits of the Croatian territorial sea. The Republic of Croatia shall in its ecological and fisheries protection zone, in accordance with the United Nations Convention of the Law of the Sea, and on the basis of the regime of the exclusive economic zone (Article 56), exercise its sovereign rights for the purpose of exploring and exploiting, conserving and managing the living resources beyond the limits of the territorial sea, as well as the jurisdiction with regard to marine scientific research and the protection and preservation of the marine environment. The implementation of the regime established by the said Decision shall commence on 3 October 2004.

Without prejudice to the sovereign rights and jurisdiction of the Republic of Croatia, the ecological and fisheries protection zone of the Republic of Croatia remains a sea area where all States shall enjoy freedoms, as guaranteed under Article 58, paragraph 1 of the United Nations Convention on the Law of the Sea: "... navigation and overflight and the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention".

The ecological and fisheries protection zone of the Republic of Croatia comprises the maritime space from the outer limit of the territorial sea seaward up to its outer limit allowed under general international law. The outer limits of the ecological and fisheries protection zone of the Republic of Croatia shall be determined through the delimitation agreements with the neighbouring States in accordance with the Article 74 of the United Nations Law of the Sea Convention.

Pending the conclusion of the delimitation agreements, the outer limits of the ecological and fisheries protection zone of the Republic of Croatia shall temporarily follow the delimitation line of the continental shelf established under the 1968 Agreement between the SFRY and the Italian Republic on Delimitation of the Continental Shelf, and, in adjacent delimitation, the line following the direction of and continuing on the provisional delimitation line of the territorial seas, as defined in the 2002 Protocol on the Interim Regime along the Southern Border between the Republic of Croatia and Serbia and Montenegro.

A copy of the Decision the Croatian Parliament of 3 October 2003 on the Extension of the Jurisdiction of the Republic of Croatia in the Adriatic Sea, which has been published in the Official Gazette of the Republic of Croatia No. 157/2003, is attached herewith, as well as its translation into English. The list of coordinates of the provisional outer limits of the ecological and fisheries protection zone of the Republic of Croatia will be submitted to the Secretariat in due course.