

HELCOM/VASAB MSP 2nd meeting 20-21/1 2011 Riga

## *International legislative basis for MSP*

## *Findings of the Swedish Commission on MSP*

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# Rights of Coastal state in sea areas

**Internal waters and Territorial Sea** - **Total jurisdiction (except innocent passage)**

**EEZ** - **Some important sovereign rights; jurisdiction and other rights**

# Rights in EEZ

## *UNCLOS article 56*

- Coastal states have sovereign rights regarding exploring, use, conserving and managing living and non-living natural resources in EEZ.
- Including resources in the water column, on the sea floor as well as in its subsoil
- With regard to i.e. energy production from water, currents and wind

# Analysis of legal ground for MSP in EEZ

- Shipping, military operations **NO negative regulations**
- Scientific marine research **Limited**
- Fishery **Generally OK For EU MS NO but depends for what**
- Pipelines and cables **OK/NO**
- Area protection **OK**
- Carbon dioxide storage **OK (shipping, pipelines, cables!)**
- Extraction of oil, gas, minerals and gravel **OK**
- Wind power and wave power **OK (shipping, pipelines, cables!)**
- Aquaculture **OK (shipping, pipelines, cables!)**
- Dumping **OK**

# Regulation of fishery

**UNCLOS: Generally the coastal state has the power to regulate fishing in EEZ**

**EU: Competence lies in the Union.  
Common Fishery Policy regulates  
(Regulation 2371/2002, article 1)**

# Fishery in EU

- **In Territorial Waters MS have some room to take non-discriminatory measures for management of fish resources and for minimizing effects of fishery on preservation of marine ecosystems**
- **In EEZ competence is totally transferred to the Union. (But MS has right to regulate own vessels above EU high standards)**

# Proposals concerning the EEZ

- **MSP in general possible as in Territorial Waters**
- **Sweden should establish a contiguous zone**
  - **especially for protection of cultural heritage**
- **Planning and decisions in the EEZ must comply with international law and not involve any restrictions of rights under such**