

**Decree No. 142 of 25 April 1986 of the Council of State concerning
the establishment of the Exclusive Economic Zone
of the Socialist Republic of Romania in the Black Sea**

With a view to the conservation and optimum utilization of living and non-living natural resources and other resources, and to the defence of other economic interests in the ocean space adjacent to the coast of the Socialist Republic of Romania in the Black Sea, beyond its territorial waters,

In order to establish the sovereign and jurisdictional rights of the Socialist Republic of Romania in that space, and to regulate the conditions for the exercise of those rights,

Taking account of the generally recognized norms of international law and, in particular, the relevant provisions of the Convention on the Law of the Sea, concluded in 1982 under the auspices of the United Nations,

The Council of State of the Socialist Republic of Romania decrees:

Article 1

In the ocean space off the Romanian coast in the Black Sea, beyond and adjacent to the limits of the territorial waters, there shall be established the exclusive economic zone of the Socialist Republic of Romania, in which it shall exercise sovereign rights and jurisdiction over the natural resources of the seabed, its subsoil and the superjacent water column and with regard to the different activities related to their exploration, exploitation, conservation and management.

Article 2

The outer part of the exclusive economic zone shall extend to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured; owing to the narrow dimensions of the Black Sea, the effective extent of the exclusive economic zone of the Socialist Republic of Romania shall be determined by delimiting it within the framework of negotiations with the neighbouring States with coasts opposite or adjacent to the Romanian Black Sea coast. The delimitation shall be carried out with due regard for the legislation of the Socialist Republic of Romania, by means of agreements with those States, through the application, according to the specific circumstances of each area to be delimited, of the delimitation principles and criteria generally recognized in international law and in the practice of States, in order to arrive at equitable solutions.

Article 3

In its exclusive economic zone, the Socialist Republic of Romania shall exercise:

- (a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the living and non-living natural resources and other resources on the seabed, in its subsoil and in the superjacent water column;
- (b) Sovereign rights with regard to other activities related to the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
- (c) Jurisdiction with regard to:

The establishment and use of artificial islands, installations and structures;

Marine scientific research;

The protection and conservation of the marine environment;

(d) Other rights provided for in this Decree or in other legislation of the Socialist Republic of Romania and in the generally recognized norms of international law.

The sovereign rights and the jurisdiction provided for in this article shall be exercised in accordance with the legislation of the Socialist Republic of Romania.

Article 4

The Socialist Republic of Romania may co-operate in its exclusive economic zone with the other coastal States of the Black Sea so as to ensure the conservation and rational exploration of the living resources and the protection and preservation of the marine environment, particularly in the areas adjacent to that zone, taking account of the specific characteristics of the Black Sea as a semi-enclosed sea with limited biological potential.

Article 5

In the exclusive economic zone of the Socialist Republic of Romania, all States, whether coastal or land-locked, shall enjoy the freedoms of navigation and overflight, the freedom to lay submarine cables and pipelines and other internationally lawful ways of using the sea related to these freedoms, provided that respect is shown for the provisions of this Decree and other legislation of the Socialist Republic of Romania and for the generally recognized norms of international law.

Article 6

The Socialist Republic of Romania has priority interests with regard to the anadromous stocks which originate in its waters and shall therefore exercise its rights in respect of them.

The competent Romanian organs shall take measures to ensure the conservation of these anadromous stocks, by means of appropriate actions, and to establish rules to regulate fishing for them, including the determination of the total authorized catch, and shall co-operate to this end with the organs of the other interested States, when such stocks migrate landward of the limits of the exclusive economic zone of the Socialist Republic of Romania.

Article 7

The Socialist Republic of Romania shall ensure the optimum utilization of the fish and other living resources in its exclusive economic zone, by taking the measures required for the conservation and management of such resources, taking into account the best scientific evidence and, when it deems it necessary, in co-operation with the international organizations which are competent in this field.

To this end, the competent Romanian organs shall annually determine the total authorized catch for each species of fish and other living resources and shall also prescribe measures to ensure the rational conduct of fishing operations, the conservation and reproduction of the living resources and their protection, including the inspection, boarding and arrest of vessels.

The fishing vessels of other States may have access to the exclusive economic zone of the Socialist Republic of Romania through agreements, under conditions of reciprocity.

Article 8

The Socialist Republic of Romania shall have the exclusive right to construct and to authorize and regulate the construction, operation and use in its economic zone of all types of artificial islands and all types of installations and structures intended for the conduct of scientific research in its economic zone and for the exploration and exploitation of its natural resources.

Article 9

In its economic zone, the Socialist Republic of Romania shall have exclusive jurisdiction over artificial islands, installations and structures, including the right to exercise control in order to prevent infractions and other violations of customs, fiscal, health and immigration regulations and of safety laws and regulations.

Safety zones shall be established around the artificial islands, installations and structures in the exclusive economic zone of the Socialist Republic of Romania and shall extend a maximum distance of 500 metres measured from each point of their outer edge, except where generally recognized international norms provide otherwise. The competent Romanian organs shall specify the measures which are necessary in these zones in order to ensure the safety of both navigation and the artificial islands, installations and structures.

Romanian organizations and foreign individuals and legal entities that have the right to construct, maintain and operate the aforementioned artificial islands, installations and structures shall be obliged to ensure that the permanent means for giving warning of their presence are maintained in working order.

Notification of the construction of artificial islands, installations and structures, the establishment of safety zones around them and the total or partial dismantling of these installations and structures shall be provided through "Notices to Mariners".

Article 10

Marine scientific research in the exclusive economic zone of the Socialist Republic of Romania shall be conducted in compliance with the legislation of the Socialist Republic of Romania; account shall also be taken of the treaties to which the Socialist Republic of Romania is a party.

Scientific research in the exclusive economic zone of the Socialist Republic of Romania, conducted exclusively for peaceful purposes and to increase scientific knowledge of the marine environment, for the benefit of all mankind, may also be carried out by foreign States or by international organizations, but only with the prior agreement of the competent Romanian organs.

When conducting marine scientific research in the exclusive economic zone of the Socialist Republic of Romania, foreign States and international organizations which are competent in this field and have obtained the agreement of the Romanian organs to this end shall be obliged:

- (a) To ensure the participation of Romanian representatives in the marine scientific research work, including work on board research vessels or marine scientific research installations;
- (b) To present to the competent Romanian organs, at their request, preliminary reports and the final results and conclusions after the completion of the research;
- (c) To grant access for the competent Romanian organs, at their request, to all data derived from the marine scientific research;

(d) Not to prejudice, in any manner whatsoever, by their activities, the sovereign rights and jurisdiction of the Socialist Republic of Romania over its exclusive economic zone, as provided for by this Decree.

Article 11

The prevention, reduction and control of pollution of the marine environment caused by or related to activities in the exclusive economic zone of the Socialist Republic of Romania shall be effected in compliance with Romanian legislation and the treaties to which the Socialist Republic of Romania is a party.

The competent Romanian organs shall establish rules relating to the prevention, reduction and control of pollution of the marine environment and the safety of navigation specifically for the exclusive economic zone of the Socialist Republic of Romania; notification of these rules shall be provided through "Notices to Mariners".

Where there are clear grounds for believing that a vessel which has passed through the exclusive economic zone of the Socialist Republic of Romania has violated the provisions of Romanian legislation or applicable international rules regarding the prevention, reduction and control of pollution of the marine environment, the competent Romanian organs shall have the right to require the vessel concerned to provide explanations concerning such violation and to inspect that vessel if it has refused to provide such explanations or where the explanations received did not correspond to the facts.

Where there is clear objective evidence that a vessel navigating in the exclusive economic zone of the Socialist Republic of Romania has, in that zone, violated the rules contained in the first and second paragraphs and has disposed of wastes causing major damage or threat of major damage to the Romanian coastline or to the resources of the territorial waters or to the Romanian exclusive economic zone, proceedings, including detention of the vessel, may be instituted in respect of such a violation, in accordance with the legislation of the Socialist Republic of Romania.

If the foreign vessel is within a Romanian port, the competent organs of the Socialist Republic of Romania may institute legal proceedings in respect of any violation committed by that vessel in the exclusive economic zone of the Socialist Republic of Romania.

Article 12

Where vessels collide, run aground or suffer any other maritime damage in the exclusive economic zone of the Socialist Republic of Romania, and if the actions related to such damage can have particularly harmful consequences for the exclusive economic zone or for the Romanian coastline, the competent Romanian organs shall have the right to prescribe, in accordance with international law, the necessary measures corresponding to the actual harm or to the threat posed by such damage, in order to protect against pollution or the threat of pollution.

Article 13

The following acts, if they are not committed in such circumstances as to be considered offences under criminal law, shall constitute contraventions and shall be punishable by a fine of from 100,000 to 1,200,000 lei, which shall be imposed at the place where the contravention is recorded:

(a) The unlawful exploration and exploitation of the natural resources of the exclusive economic zone of the Socialist Republic of Romania;

(b) Pollution and the act of unlawfully introducing, for purposes of disposal within the exclusive economic zone of the Socialist Republic of Romania, by vessels or aircraft or from artificial islands, installations or structures

constructed in the sea, substances which are harmful to human health or to the living resources of the sea or other waste and materials which could cause damage or create obstacles to the lawful use of the sea;

(c) The undertaking of activities in the exclusive economic zone of the Socialist Republic of Romania without the consent of the competent Romanian organs;

(d) Failure to comply with the "Notices to Mariners" and with signals relating to the construction of artificial islands, installations and structures;

(e) The construction of artificial islands, installations and structures in the exclusive economic zone of the Socialist Republic of Romania, without the necessary approval;

(f) Failure to protect the installations and other equipment in the exclusive economic zone of the Socialist Republic of Romania with permanent means for giving warning of their presence and failure to comply with the standards relating to the maintenance of these means in good working order and with the standards relating to the dismantling of installations and equipment the use of which has been permanently prohibited.

Where the aforementioned acts have caused major damage, have had other serious consequences or have been committed repeatedly, the fine shall be from 1 million to 2 million lei.

In particularly serious situations, the competent Romanian organs may take the additional steps of confiscating the vessel, installations, fishing gear, equipment and other objects belonging to the offender, as well as the goods acquired unlawfully.

The penalties may also be imposed on legal entities.

The acts referred to in the first paragraph shall not constitute contraventions if they have been committed in order to guarantee the safety of navigation, to save human lives or to avoid damage to a vessel or its cargo.

Article 14

The contravention shall be recorded and the penalty imposed by navigation monitoring and control organs specially empowered to do so by the Ministry of Transport and Telecommunication, by organs of the Ministry for the Food industry and the Acquisition of Agricultural products and by other legally authorized organs.

Objections to the contravention report may be filed with the Sea and River Section of the Civil Court of the town of Constanta, no later than 15 days following the date of the communication.

Article 15

The provisions of this Decree shall be supplemented by the provisions of Act No. 32°1968 concerning the establishment and punishment of contraventions, except for articles 25, 26 and 27 of that Act, which shall not be applicable in the case of the contraventions referred to in this Decree.

Article 16

The fines levied on foreign individuals or legal entities shall be paid in convertible currency, by converting the fines in lei at the exchange rate for non-commercial transactions.

Article 17

The imposition of fines for contraventions shall not exempt the offender from the obligation of making

reparation for the damage caused in the exclusive economic zone of the Socialist Republic of Romania, in compliance with Romanian legislation.

Article 18

Where acts have been committed which, under Romanian law, result in the arrest of the commander or the detention of the foreign vessel, the competent Romanian organs shall immediately inform the flag State of the measures taken.

The detained vessel and its crew shall be released immediately upon the payment of adequate security.