
Translated from Spanish

**Permanent Mission of Spain
to the United Nations**

No. 061 NP/ot

The Permanent Mission of Spain to the United Nations presents its compliments to the United Nations Secretariat and has the honour to submit, for its records, a copy of note verbale No. 31661 of 23 October 2012 from the Ministry of Foreign Affairs and Cooperation of Spain addressed to the Embassy of the Republic of France in Madrid, in which the Government of Spain reiterates its position concerning Decree No. 2012-2248 of the Republic of France. That Decree, which establishes a French exclusive economic zone in the Mediterranean, was recently transmitted to the Secretariat by the Permanent Mission of France.

The Permanent Mission of Spain take this opportunity to convey to the United Nations Secretariat the renewed assurances of its highest consideration.

New York, 27 March 2013

United Nations Secretariat
cc: Office of Legal Affairs
Treaty Section
Division for Ocean Affairs and the Law of the Sea
United Nations

Ministry of Foreign Affairs and Cooperation

No. 31661

Note Verbale

The Ministry of Foreign Affairs and Cooperation presents its compliments to the Embassy of the French Republic in Madrid and has the honour to refer to Decree No. 2012-1148 of 12 October 2012, which establishes a French exclusive economic zone in the Mediterranean (Official Gazette of the French Republic of 14 October 2012).

The Government of Spain recognizes the right of all States to establish an exclusive economic zone in the Mediterranean, but not when that right is exercised in a unilateral manner.

The authorities of Spain wish to stress that, in accordance with article 74 of the United Nations Convention on the Law of the Sea, the delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, in order to achieve an equitable solution. In the view of the Government of Spain, a line that is equidistant from the baselines from which the breadth of the territorial sea is measured would be the most just and equitable solution, and would be subject to modification only in the case of special or particular circumstances.

The authorities of Spain therefore wish to place on record their opposition to the unilateral establishment of the aforementioned exclusive economic zone, which has boundaries that extend far beyond the equidistant border line between the two coasts that was drawn in accordance with international law, and thus contravene article 74 of the United Nations Convention on the Law of the Sea.

Embassy of the French Republic in Madrid

For this reason, the Government of Spain believes that none of the coordinates set out in the Decree can in any way be considered to constitute a dividing line between the maritime areas of the two States.

In addition, the authorities of Spain wish to place on record their surprise at the unilateral establishment of the exclusive economic zone at a time when both countries are involved, on the one hand, in informal talks on maritime delimitation that would affect the Mediterranean, among other areas, and, on the other, in finding ways to improve the environmental protection of the area, within the framework of, for example, the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean to the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention) of 1978.

Under these circumstances, the Government of Spain reserves the right to carefully consider the practical consequences of the decision of the French Government.

The Ministry of Foreign Affairs and Cooperation takes this opportunity to convey to the Embassy of the French Republic the assurances of its highest consideration.

Madrid, 23 October 2012
