

Royal Decree on Measures to Protect Navigation, Sea Fishing, the Environment and Other Essential Interests in the Exploration and Exploitation of the Mineral and Other Non-living Resources of the Sea-Bed and Subsoil in the Territorial Sea and on the Continental Shelf of 16 May 1974 as amended by the Royal Decree of 22 April 1983

Section 1. Zones of exploration and exploitation

Article 1

1. Concessions and licences to explore and exploit the mineral and other non-living resources of the sea-bed and subsoil shall be granted in the territorial sea and on the continental shelf only for the zones indicated in the annex.
2. The delimitation of these zones may be modified only at the point proposal of the Minister responsible for the administration of mining and the Minister for Communications and on the basis of the results of scientific research or actual exploration or exploitation.
3. Exceptions to the provisions of paragraph 1 may be made, with the consent of the above Ministers and on the terms set by them, for concessions and licences to carry out scientific exploration or exploration necessary to the national interest.
4. Subject to the provisions of paragraph 3, any activity relating to or with a view to the exploration and exploitation of the non-living resources of the sea-bed and the subsoil thereof on the continental shelf and in the territorial sea shall be prohibited outside the zones for which exploration and exploitation concessions or licences may be granted in accordance with article 1(1) and (2).

Section 2. Installations and devices used for exploration and exploitation

Article 2

1. The installations necessary for the exploration and exploitation of the resources of the sea-bed and subsoil shall neither obstruct nor hinder the use of cables, oil pipelines, gas pipelines or other submarine pipelines or the laying of such devices, or any of the uses of the sea envisaged in the first paragraph of article 5 of the Act on the Continental Shelf of Belgium.

Any damage to cables and pipelines shall be reported immediately to the competent services.

2. The use of receiving or transmitting stations on installations and other devices built or set up at sea shall not interfere with or hinder communications.

3. In the course of exploration, exploitation and related activities, all possible measures shall be taken to avoid any kind of pollution. In the event of an accident, the necessary measures to reduce the damage resulting therefrom shall be taken immediately.

Article 3

Around each fixed or anchored installation or device set up at sea, a safety zone shall be established extending a distance of 500 metres measured from each point on the outer edge of the installation or device.

The conditions which any fixed or anchored, principal or accessory installation or other device necessary for exploration or exploitation must meet, as well as the method of delimiting the safety zone and the conditions to be fulfilled in that zone, shall be fixed by the King for each order granting a concession or licence.

Article 4

The Ministers responsible for the administration of mining and the administration of the Navy and internal navigation shall determine each in their own area of competence, the procedures governing registration, safety certificates, construction and equipment to which any fixed, and if necessary floating, installation or device used for the exploration and exploitation of the sea-bed and subsoil is compulsorily subject.

Article 5

In the event of imminent danger or when it is established that the holder of the concession or licence refuses to comply with the conditions laid down by law, regulation or the concession, the Ministers responsible for enforcing this decree or the officials delegated by them shall take the necessary measures to safeguard security of navigation, sea fishing, the environment and other essential interests.

These measures must be taken, within the time-limits set by these Ministers or their representatives, by the holder of the concession or licence at his own expense and risk.

Section 3. Provisions governing concessions on the continental shelf

Article 6

Safety conditions may, in the course of exploration or exploitation, be altered by the King at the proposal of the Minister responsible for mining, who shall first hear the concession holder and seek the opinion of the Ministers involved in the granting of concessions.

Article 7

In the event of failure to comply with the measures or time-limits provided for in article 5, the Minister responsible for mining, acting *ex officio* or at the request of one of the Ministers involved in the order, shall either suspend or totally or partially revoke the concession.

Article 8

In the event of complete cessation of the operation of an installation or device used for exploration or

exploitation, such installation or device shall be removed at the concession holder's own expense and risk when one of the Ministers referred to in article 1 (2) so requests. The procedures for removal shall be established by the King, at the proposal of the Minister responsible for mining who shall seek the opinion of the Ministers involved in granting of concessions.

Section 4. Supervision

Article 9

The officials appointed by the Ministers to enforce this decree shall have the power to verify compliance with its provisions and with the measures taken to apply it, and to determine violations.

Article 10

Violations of the provisions of this decree and of orders enforcing it shall be punished in accordance with the provisions of article 1 of the Act of 6 March 1818 concerning the penalties for violations of general internal administrative measures and also such penalties as may be provided for in the regulations of provincial or communal authorities, as amended by the Act of 5 June 1934.

Article 11

The Minister for Economic Affairs, the Minister for Agriculture, the Minister for Communications and the Deputy Minister for Economic Affairs shall be responsible, each in his own area of competence, for enforcing this decree.

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