

Convention between the Government of the French Republic and the Government of the Spanish State on the Delimitation of the Continental Shelves of the two States in the Bay of Biscay (Golfe de Gascogne/Golfo de Vizcaya) (29 January 1974)

The Government of the French Republic and the Government of the Spanish State,
Having regard to the Convention on the Continental Shelf done at Geneva on 29 April 1958,
Having decided to establish the boundary between the parts of the continental shelf of the Bay of Biscay over which the two States respectively exercise sovereign rights for the purpose of exploration and exploitation of the natural resources of the continental shelf,

Have agreed as follows:

Article 1

. This Convention shall apply in the Bay of Biscay to a distance of 12 miles, measured from the French and Spanish baselines to a line between Cape Ortegal, in Spain, and Raz point, in France.

Article 2

1. The boundary between the continental shelves of the two States shall be the line which joins points Q, R and T:

(a) Point Q is the point defined in article 2, paragraph 1 (b), of the Convention of 29 January 1974 between France and Spain on the delimitation of the territorial sea and the contiguous zone in the Bay of Biscay.

The co-ordinates of point Q, according to the most recent surveys, are the following:

Latitude N: 43° 35' 43"

Longitude W(GR): 1° 48' 08"

(b) Up to point R, defined below, line QR is, in principle, the line which at every point is equidistant from the French and Spanish baselines. In implementation of this provision, line QR shall consist of geodetic lines following the arcs of a great circle joining the points having the following co-ordinates:

	Latitude N	Longitude W(GR)
Q1	43° 39' 40"	1° 51' 30"
Q2	43° 43' 45"	1° 55' 30"
Q3	43° 48' 00"	2° 02' 40"
Q4	43° 53' 25"	2° 11' 25"
Q5	44° 00' 00"	2° 16' 00"
Q6	44° 06' 30"	2° 20' 30"
Q7	44° 13' 00"	2° 25' 30"
Q8	44° 19' 10"	2° 31' 00"
Q9	44° 24' 40"	2° 36' 19"
Q10	44° 30' 00"	2° 42' 30"
Q11	44° 35' 45"	2° 50' 27"
Q12	44° 39' 50"	2° 57' 00"

Q13	44° 45' 25"	3° 03' 50"
R	44° 52' 00"	3° 10' 20"

(c) Point T is defined by the following co-ordinates:

Latitude N: 45° 28' 30"

Longitude W(GR): 6° 41' 4"

Line RT is a geodetic line following the arc of a great circle joining R and T.

2. The boundary has been drawn, in accordance with the criteria and data set forth above, on French sea-chart No. 5381, updated in 1972, which is annexed hereto (annex I).

Article 3

1. The Contracting Parties agree to apply the supplementary procedures provided for in annex II for the granting of licences for the exploration and exploitation of the natural resources in the zone defined by the geodetic lines joining the points having the following co-ordinates:

	<u>Latitude N</u>	<u>Longitude W(GR)</u>
Z1	45° 30' 00"	5° 40' 00"
Z2	45° 30' 00"	5° 00' 00"
Z3	45° 00' 30"	5° 00' 00"
Z4	45° 00' 30"	[5° 40' 00"]

2. The boundaries of this zone have been drawn on the sea-chart mentioned in article 2, paragraph 2, of this Convention.

Article 4

1. If a deposit of natural resources is split by the boundary between the continental shelves and if that part of the deposit which is situated on one side of the boundary is exploitable, wholly or in part, by means of installations situated on the other side of the boundary, the Contracting Parties shall endeavour, together with the holders of exploitation licences, if any, to reach agreement as to the conditions for exploitation of the deposit, in order to ensure that such exploitation is as profitable as possible and in order that each Party may preserve its full rights over the natural resources of its continental shelf. In particular, this procedure shall apply if the mode of exploitation of that part of the deposit which is situated on one side of the boundary affects the conditions for exploitation of the other part of the deposit.

2. If the natural resources of a deposit situated on either side of the boundary between the continental shelves have already been exploited, the Contracting Parties shall endeavour, together with the holders of exploitation licences, if any, to reach agreement on appropriate compensation.

Article 5

1. The Contracting Parties shall endeavour to settle as soon as possible, through the diplomatic channel, any dispute which may arise concerning the interpretation or application of this Convention.

2. Any dispute not settled within four months from the date on which one of the Contracting Parties gave notice of its intention to initiate the procedure provided for in the preceding paragraph shall, at the request of either Contracting Party, be referred to an arbitral tribunal.

3. In each case, the arbitral tribunal shall be constituted in the following manner: each Party shall nominate one arbitrator, and the two arbitrators shall agree on a third arbitrator who shall not be a national of either of the two Parties; this third

arbitrator shall act as president of the arbitral tribunal. If the arbitrators have not been nominated within two months from the date on which one of the Contracting States gave notice of its intention to refer the dispute to the tribunal, or if the arbitrators appointed by the two Parties have not agreed within one month from the date of the most recent nomination on the appointment of the third arbitrator, either Party may request the President of the International Court of Justice to make the necessary appointments. If the President of the Court is a national of one of the Parties or is incapacitated for any reason, the appointments shall be made by the Vice-President. If the Vice-President also is a national of one of the Parties or is incapacitated for any reason, the appointments shall be made by the most senior judge of the Court who is not a national of one of the two Parties.

4. Each Contracting Party shall bear the costs of its arbitrator and one half of all other costs. The arbitral tribunal shall determine its own rules of procedure, if the Parties have not determined them within two months from the date of the most recent appointment.

5. The arbitral tribunal shall take its decisions by majority vote. Its decisions shall be binding on the Parties.

6. The arbitral tribunal may, at the request of either Party, decide on conservatory measures.

Article 6

Nothing in this Convention shall affect the status of the superjacent waters or air space.

Article 7

The Contracting Parties shall endeavour to ensure that the exploration of the continental shelf of the Bay of Biscay and the exploitation of its natural resources do not adversely affect the ecological balance and the legitimate uses of the marine environment, and they shall hold consultations to that end.

Article 8

In the event of the entry into force between the Contracting Parties of any multilateral treaty which modifies the Convention on the Continental Shelf done at Geneva on 29 April 1958 and which might affect the provisions of the present Convention, the Contracting Parties shall immediately hold consultations for the purpose of agreeing on such amendments to the present Convention as may prove necessary.

Article 9

Each Contracting Party shall notify the other of the completion of the constitutional procedures necessary for the entry into force of this Convention. This Convention shall enter into force on the date of the last such notification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Paris on 29 January 1974, in duplicate in the French and Spanish languages, both texts being equally authentic.

ANNEX II

PROVISIONS APPLICABLE TO THE ZONE DEFINED IN ARTICLE 3 OF THIS CONVENTION

1. The Contracting Parties shall encourage the exploitation of the zone in such a way as to ensure an equal distribution of its resources.

2. In accordance with this principle, each Contracting Party undertakes to encourage within the framework of its mining regulations, the conclusion of agreements between companies applying for licences to explore the zone, in order to allow

companies having the nationality of the other Party to participate in such exploration on the basis of equal partnership and proportional financing of operations.

3. To this end, whenever either Party receives a request for a licence to conduct explorations within its sector, it shall so notify the other Party. The Party so notified shall have a six-month time-limit within which to designate a company or companies of its nationality to participate, with the other applicants, in the procedure for the granting of licences.

4. If the applicants fail to reach agreement within one year from the date of their designation, the Contracting Party having jurisdiction over the sector in question shall consult with the other Contracting Party before taking any decision on the granting of licences.

5. Companies holding exploration and exploitation licences and bound by partnership agreements concerning the zone shall notify the Parties of any modification which they make to such agreements. In such a case, the Parties shall, at the request of either of them, hold consultations for the purpose of studying the scope of such a modification and its effects on the objective mentioned in paragraph 1 of this annex.

6. Any proposed modification of the licences granted by one of the Contracting Parties for the exploration and exploitation of its sector of the zone shall be communicated to the other Contracting Party, which shall have a three-month time-limit within which to submit, if necessary, its comments and proposals. If there is disagreement on the proposed modification, the Parties may resort to the procedures set forth in article 5 of this Convention.

7. The Contracting Parties shall agree on appropriate procedures for encouraging the conclusion of partnership agreements as provided in paragraph 2 above, as well as on procedures relating to the régime governing the export to one of the Parties of the products obtained from exploitation in the sector of the other Party by the company or companies designated by the first-mentioned Party.

EXCHANGE OF LETTERS

I

Paris, 29 January 1974

Sir,

Article 2(b) of the Convention signed this day between the Government of the Spanish State and the Government of the French Republic on the delimitation of the continental shelves of the two States in the Bay of Biscay stipulates that "line QR is, in principle, the line which at every point is equidistant from the French and Spanish baselines". In implementation of this principle, the same article of the Convention establishes the co-ordinates of a certain number of points, situated on this equidistant line, between points Q and R.

During the course of our negotiations, we recognized that the geodetic and cartographic data and techniques that were used in establishing the points indicated in article 2(b) of the Convention might be improved in the future. We nevertheless agreed that, even in such a case, and without prejudice to any subsequent agreement between the Parties concerning a different solution, the line dividing the Spanish and French continental shelves between points/Q/and/R should continue to be determined by the geodetic lines following the arcs of a great circle joining the points having the co-ordinates set forth in the Convention.

If you agree with the above, I propose that this letter and your reply shall constitute an Agreement between our two Governments on the interpretation of article 2(b) of the Convention, such Agreement to take effect on the date of your reply.

II

Paris, 29 January 1974

Sir,

I have the honour to acknowledge receipt of your letter of today's date, the text of which in translation reads as follows:
[See letter I]

I have the honour to inform you that the Spanish Government agrees with the above.