

EXPLANATORY MEMORANDUM ON THE EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AMENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS RELATING TO THE DELIMITATION OF THE CONTINENTAL SHELF UNDER THE NORTH SEA BETWEEN THE TWO COUNTRIES, DONE AT LONDON ON 6 OCTOBER 1965, AS AMENDED BY THE PROTOCOL OF 25 NOVEMBER 1971 AND THE EXCHANGE OF NOTES OF JANUARY AND JUNE 2004

Title of the Treaty

Exchange of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of the Netherlands amending the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of the Netherlands relating to the Delimitation of the Continental Shelf under the North Sea between the Two Countries, done at London on 6 October 1965, as amended by the Protocol of 25 November 1971 and the Exchange of Notes of January and June 2004

Command Paper Number: 8724

Subject Matter

This Exchange of Notes provides for previously agreed continental shelf boundary between the two countries to also delimit the Exclusive Economic Zone boundary between the two. It also provides for the coordinates of the continental shelf boundary to be expressed in modern datum.

Ministerial responsibility

The Rt. Hon. Baroness Warsi PC, Senior Minister of State, has responsibility for maritime issues within the Foreign and Commonwealth Office. Other Ministers with an interest include the Rt. Hon. Michael Fallon MP, Minister of State for Energy, Department for Energy and Climate Change, and Mr Richard Benyon MP, Parliamentary Under-Secretary for Natural Environment, Water and Rural Affairs, in the Department for Environment, Food and Rural Affairs.

Policy considerations

General

Under the UN Convention on the Law of the Sea there are essentially two kinds of maritime zones which can be declared beyond the territorial sea, namely the continental shelf and the Exclusive Economic Zone (EEZ). The former is concerned with the sea bed and the subsoil and the latter, the water column. The UK has not so far declared an EEZ although we have made use of the EEZ powers available to a coastal state under the UN Convention to regulate a number of the relevant issues. However, this has led to a plethora of differently named zones dealing, for example, with fisheries, marine pollution and wind farms. It was concluded that it would be better to declare an EEZ which would encompass all of the existing zones. Power to declare one was taken in the Marine and Coastal Access Act 2009, but before this can happen we need to conclude bilateral arrangements with all our maritime neighbours on an EEZ boundary.

Financial

There are no financial implications arising from this Exchange of Notes.

Reservations and Declarations

Not applicable.

Implementation

The Exchange of Notes will enter into force on the first day of the second month following the date of the later of the notifications by each State that the conditions for the entry into force of the agreement have been fulfilled. The Government's current intention is to bring the Exchange of Notes into force when the EEZ around the UK is declared.

Consultations

DEFRA and DECC have been informed of the negotiations with all our maritime neighbours.

