

**Act No. 33/77 of 28 May 1977 regarding the juridical status
of the Portuguese Territorial Sea and the Exclusive Economic Zone**

Article 1
Portuguese territorial sea

1. The breadth of the Portuguese territorial sea is 12 nautical miles.
2. The outer limits of the Portuguese territorial sea are those established by Portuguese law, in accordance with international law.

Article 2
Exclusive Economic Zone

1. An exclusive economic zone is hereby established, the outer limit of which is a line where each point is at a distance of 200 nautical miles from the point closest to the baseline from which the breadth of the Portuguese territorial sea is measured.
2. Pending the entry into force of the agreements with States whose coasts are opposite or adjacent to those of Portugal, the limits of the zone referred to in paragraph 1 shall not extend beyond the median line, every point of which is equidistant from the nearest point on the baselines from which the breadth of the territorial sea of each State is measured.
3. The provisions of the preceding paragraphs shall not affect the legal status of the Portuguese territorial sea.

Article 3
International Law

Establishment of the exclusive economic zone shall take into account the rules of international law, namely those concerning innocent passage and overflight.

Article 4
Conservation and management of living resources

1. In the zone referred to in article 2, the Portuguese State holds exclusive jurisdiction with regard to conservation and management of living resources.
2. Without prejudice to the exceptions provided for in the present act, foreign vessels are not permitted to fish in the exclusive economic zone.
3. For the purposes of the present act, it is understood that "fishing means the search for, the catch, the harvesting or the utilizations of any living resources in that sea, but also the exercise of activities defined as "preparatory to fishing", in accordance with paragraph 2 of article 2 of Decree Law no. 47947, of 18 September, 1967, and the practice of acts adversely affecting to the execution of such activities by Portuguese citizens or by others with similar legal status for the purposes of fishing, defined as "acts adversely affecting to the exercise of fishing", in accordance with paragraph 3 of article 2 of the decree-law referred to above.

Article 5
Regulation of Fishing in the Exclusive Economic Zone

The Government shall enact and enforce regulation of fishing in the exclusive economic zone, including inter alia:

- (a) The total allowable catch and the maximum sustainable yield for the fisheries as a whole, as well as for each individual species or population and for each part of any specific area;
- (b) The terms and conditions of fishing of the catch quota allowed to aliens, allocated by country;
- (c) The rational and appropriate practice of fishing activities, including the number and size of fishing vessels, use of equipment and fishing gear and their limitation, when required, closed seasons and areas.
- (d) Protection, conservation and restoration of the living resources of the exclusive economic zone.

Article 6
International Cooperation

Portugal shall cooperate with the competent sub-regional, regional or global international organizations, in matters of conservation of the living resources of the sea.

Article 7
Special Regulations for the exclusive economic zone

Pursuant to the applicable rules of international law of the sea, the Government may establish special regulations for the exclusive economic zone, namely with regard to:

- (a) protection of the environment;
- (b) scientific research;
- (c) artificial installations permanent or temporary;
- (d) submarine pipelines and cables;
- (e) survey and exploitation, for economic purposes, including energy production, of living and non-living natural resources of the seabed, sub-soil thereof and superjacent waters.

Article 8
Penalties

1. The Government shall submit to the Assembly of the Republic proposals for legislation establishing civil responsibility and penalties incurred by individual and collective persons, nationals and aliens, who violate the provisions of the present act and its regulations.
2. The legislation referred to in the previous paragraph, shall include, depending on the gravity of the infractions, inter alia, measures for cancelling fishing authorization, arrest of vessels and of their equipment, nets, gear and catch, and their seizure by the State, as well as fines and imprisonment.
3. Pending the entry into force of the legislation referred to in preceding paragraphs, the penalties established in Decree-Law no. 49947 of 18 September, 1967, in regard to "fishing waters under jurisdiction", shall be applied to

the zone defined in article 2 of the present law; provisions of paragraphs 2 and 3 of article 5 of the same decree-law shall be applied to infractions committed by foreign vessels in the Portuguese territorial sea.

Article 9
Living resources of the continental shelf

The present act does not affect the sovereign rights of the Portuguese State over sedentary species on its continental shelf.

Article 10
Review of the present act

The present act, as well as the additional provisions of the juridical status of maritime space under national sovereignty or jurisdiction shall be reviewed in the light of the achievements of the III United Nations Conference on the Law of the Sea and other developments with implications for the future law of the sea.

Article 11
Conformity with special laws in effect

1. Articles III and V of Law no. 2130 of 22 August, 1966, are hereby revoked.
2. Paragraphs 2, 3 and 4 of article 10 of Decree-Law no. 47771, of 29 June, 1967, are hereby revoked, and the member of phrase "... on the coasts of the provinces of Guiné, Angola and Mozambique" is hereby deleted from the body of that same article.

Article 12
Fishing by foreign vessels

During an interim period, not exceeding twelve months, the Government may permit fishing by foreign vessels in the exclusive economic zone, without complete fulfillment of the conditions established by this act.

[Original: English]