

**(f) Letter dated 18 October 2012 from Ms Escobar Hernández to the Registrar, transmitting:**

**- response to questions, with annexes 1-8 (reproduced under (g) below)**

Departamento de Derecho Internacional Público



18 October, 2012

VIA E-MAIL [gautier@itlos.org](mailto:gautier@itlos.org)

Hon. Philippe Gautier  
Registrar  
International Tribunal for the Law of the Sea  
AM Internationalen Seegerichtshof 1  
22609 Hamburg  
Germany

RE: Saint Vincent and the Grenadines v. the Kingdom of Spain

Dear Mr. Gautier,

In reference to the request by the Tribunal dated 11 October 2012, I am honoured to send you enclosed the response to the questions addressed by the Tribunal to the Kingdom of Spain as well as the documentation requested.

Unfortunately, the number of documents together with their complexity is causing some translation difficulties to our services. For this reason you will find that several documents lack their translation into English. We apologise for this inconvenience. We will be sending the missing translations next week as we received them from our services.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Concepción Escobar Hernández".

Concepción Escobar Hernández  
Agent of the Kingdom of Spain

Obispo trejo, 2  
28040 Madrid

Tel: 91 398 80 68  
Fax: 91 398 80 69

Correo electrónico: [dip@der.uned.es](mailto:dip@der.uned.es)

**(g) Letter dated 24 October 2012 from Ms Escobar Hernández to the Registrar, transmitting:**

**- response to questions, with annexes 1-8 (in Spanish) (not reproduced), including translations of annexes<sup>32</sup>**

Departamento de Derecho Internacional Público



24 October, 2012

VIA E-MAIL [gautier@itlos.org](mailto:gautier@itlos.org)

Hon. Philippe Gautier  
 Registrar  
 International Tribunal for the Law of the Sea  
 AM Internationalen Seegerichtshof 1  
 22609 Hamburg  
 Germany

RE: Saint Vincent and the Grenadines v. the Kingdom of Spain

Dear Mr. Gautier,

Please find enclosed the missing translations regarding the documentation requested by the Tribunal on 11 October 2011.

The added translations relate to annexes 1.A; 2.A; 3B; 4; 5A; 6.A and 7.

Yet, for the convenience of the Tribunal a complete version of the documents is enclosed.

We apologise once again for the difficulties caused by the delay in the translations.

Respectfully submitted,

  
 Concepción Escobar Hernández  
 Agent of the Kingdom of Spain

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 28040 Madrid

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<sup>32</sup> Note by the Registry: Included are the corrected translations of annexes 1.B and 2.B submitted by Spain on 26 October 2012, see (i) below.

Departamento de Derecho Internacional Público



### **QUESTIONS 1 AND 2**

Neither the M.V. *Louisa* nor the Gemini III have ever been directly authorized to conduct activities in Spanish waters. As explained by Spain during its written and oral pleadings, the *Louisa* benefited from several permits granted to TUPET Sociedad de Pesquisa Marítima SA (hereafter TUPET) by the Spanish Ministry of Environment for the sole purpose of carrying out an echo-mapping and video-photo study in waters of Andalusia and Galicia (see request by TUPET on 23 September 2003 and subsequent permits here below). TUPET informed on 29 July 2004 that the vessel which will participate in the eco-mapping and video-photo survey was the MV *Louisa* and declared at the same time that "results will be sent to this Directorate General as they are obtained" (Annex 3.A).

Similarly, the Gemini III benefited from a permit granted to PLANGAS SL (hereafter PLANGAS) by the Spanish Ministry of Environment for the sole purpose of "making a large demonstration of a comparative study on the degradation of marine sedimentary deposits produced by urban waste or vessel discharges" (see Annexes 5 and 6)

An account of all applications and permits can be found in page 15, paras. 19 and 20 of the Written Response of the Kingdom of Spain to the request by Saint Vincent and the Grenadines of Provisional Measures in this case. This account is reproduced herein for the sake of completeness.

- **23 September 2003:** TUPET filed before the Ministry of Environment, Directorate General for Coasts (hereafter Ministry of Environment) an application in order to carry out "an echo-mapping and video-photo study in the locations attached to this letter" (see Annex 1.A). The company added that they intended to stay only ten to fifteen days in each location, depending on the climatologic conditions.
- **30 September 2003:** The Ministry of Environment granted the permit in order to carry out "an echo-mapping and video-photo study in waters of Andalusia and Galicia". The permit is granted only for six months (condition number 7) and it states specifically that "The granting of this authorisation does not exempt its holder from obtaining other legally required authorisations..." (Annex 1.B, conditions 7 and 3).
- **24 February 2004:** TUPET submitted an application for a one year renewal of the aforementioned permit (due to problems related to the climatologic conditions). At the same time TUPET asked to be allowed to anchor permanently in the areas included in their request for environmental survey and informed that a larger vessel was needed the name of which would be communicated prior to the beginning of operations (Annex 2.A)

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- **3 Mars 2004:** The Spanish Ministry of Environment granted the permit again for making "an echo-mapping and video-photo study in waters of Andalusia and Galicia" (Annex 2.B). The permit is now granted for one year (condition number 7) and again it states specifically that "The granting of this authorisation does not exempt its holder from obtaining other legally required authorisations..." (Annex 2.B, conditions 7 and 3).
- **5 April 2004:** TUPET submitted an additional application in order to be able to extract samples from the seabed so that they could complete their research which would now include "a report on environmental impact of maritime trafficking upon the sea floor". The application specified a particular area ( $36^{\circ} 31' 00''$  N,  $36^{\circ} 35' 00''$  N,  $6^{\circ} 19' 00''$  W,  $6^{\circ} 27' 00''$  W;  $36^{\circ} 58' 00''$  N,  $37^{\circ} 35' 00''$  N,  $6^{\circ} 51' 00''$  W,  $7^{\circ} 08' 00''$  W) which can be found in Annex 1 of the Written Response of the Kingdom of Spain to the request by Saint Vincent and the Grenadines of Provisional Measures. The application further indicated that "results will be sent to that Director General as they are being gathered". (Annex 3.A)
- **5 April 2004:** the Ministry of Environment accepted this submission and included it in its previous permit issued on 3 March 2004. The time limit would be the one fixed on 3 Mars (one year starting from 3 Mars 2004). The permit stated again that "The granting of this authorisation does not exempt its holder from obtaining other legally required authorisations..." (Annex 3.B and Annex 6 of the Memorial by Saint Vincent and the Grenadines).
- **29 July 2004:** TUPET informed the Ministry of Environment that the vessel referred to in its application of 24 February 2004 was the *MV Louisa*, adding further that Mr. Beteta should be the contact person with regard to the activities of TUPET and the *Louisa* (Annex 4).
- **24 January 2005:** Mr. Beteta (the person mentioned by TUPET as the contact person with regard to the activities of TUPET and the *Louisa* in its letter to the Ministry of Environment of 29 July 2004), as administrator of PLANGAS SL, submitted a new application for permits for the similar purposes as the permits referred above (now PLANGAS stated that the permit was for "making a large demonstration of a comparative study on the degradation of sedimentary deposits on the sea floor caused by discharges to the sea either by vessels or by cities") but in some other (albeit close) areas, indicating that the vessel engaged in these activities would be the *Maru-K-III*. The application specifically stated that "technical reports will be forwarded every three months as well as samples and video-photo reports of the localisations" (Annex 5.A)
- **14 March 2005:** A one year permit was issued by the Ministry of Environment, (Directorate General for Coasts, Cadiz Section) with similar conditions to those

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summarised above (Annex 5.B). The permit starts by stating "taking into consideration your application of 3 March". This date is due to the fact that the application of PLANGAS was internally sent from the Central Offices of the Coastal Department of the Ministry of Environment to the Cadiz Section for the latter to decide on the permit. 3 March was the date when the document entered the registry of the Cadiz Section (see entry stamp in Annex 5.C). The permit also states that it does not exempt its holder from applying and obtaining other legally required permits.

- 21 October 2005: PLANGAS submitted an application in order to be allowed to use a new vessel —the *Gemini III*— for the activities included in the permit granted by the Ministry of Environment on 14 March 2005 (Annex 6.A)
- 3 November 2005: The Ministry of Environment authorized the use of the *Gemini III* (Annex 6.B)
- 4 May 2005 (in the meantime): PLANGAS informed of a modification in the conditions communicated prior to the permit of 14 March, namely the use of a hydrodynamic flux created by the propellers of the vessel towards the seabed, removing sand and sea-mud. No permit was issued on this last application. Rather, on 6 December 2005, agents of the Spanish Civil Guard ("Guardia Civil") inspected the *Maru-K-III* and denounced Mr. Mazzara because of the violation of the permit referred to before and because of the structural changes introduced to the vessel, which impeded its navigational uses under Spanish laws and regulations. As a result, the permit issued to Plangas (and allegedly used by the *Gemini III*) was terminated and administrative charges initiated against Plangas and Mr. Mazzara. On 9 December 2005, the provisional seizure of the *Maru-K-III* was decided. On 19 January 2006 the permit granted to PLANGAS was terminated as a result of the charges (Annex 7)

In the resolution putting an end to the permit (Annex 7) a reference can be found to the arguments used by PLANGAS to oppose to the termination (para. 7): "PLANGAS SL alleged that in March 2005 it celebrated a contract with ABYSSPDE SL, which was the company that carried out the operations and therefore the one responsible for the required permits, licenses and authorizations".

### **QUESTION 3**

As explained in questions 1 and 2, TUPET and PLANGAS agreed to send to the Ministry of Environment, (Directorate-General for Coasts) the information gathered. Nonetheless, in the archives of the Ministry of the Environment there is no record of any information submitted by Plangas SL or Tupet Sociedad de Pesquisa Marítima SA in connection with the above mentioned applications and permits. A certificate in that

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regard by the Director General for Coasts (Director General de Sostenibilidad de la Costa) of the Spanish Ministry of Environment can be found in Annex 8.

#### **QUESTION 6**

- A) The domestic remedies that must be exhausted are those that are useful and effective for the Spanish judicial authorities to decide upon litigious facts raised before the International Tribunal for the Law of the Sea.

Bearing in mind that Spain has expressly stated before this Tribunal that the actual dispute (if any) is the one related directly and exclusively to the immobilization of the vessel Louisa, the remedies that must be exhausted, and are still pending, are those enabling the Spanish courts to decide upon the lawfulness of the immobilization of the Louisa and, as the case may be, upon its release and upon a possible compensation for the damages allegedly caused to the vessel, in accordance with the rules and procedures already reported by Spain to this Tribunal when answering Question number 2, asked to Spain on 2 October 2012.

As a result, the domestic remedies yet to be exhausted are the following:

- 1.- Appeal against the indictment (Auto de procesamiento), pending before the Audiencia Provincial of Cádiz.
  - 2.- Criminal proceedings currently under way in Cádiz, which must conclude with a judgment on the merits to be issued by the Audiencia Provincial of Cádiz. The judgment will be final unless the interested parties decide to file an appeal before the Tribunal Superior de Justicia of Andalucía (High Court of Justice of Andalucía) or file an appeal on points of law (Recurso de Casación) before the Tribunal Supremo (Supreme Court).
  - 3.- Should the judgment on the merits be one of acquittal, a complaint could be filed based on the alleged malfunction of the judicial system. The purpose of this remedy would be to obtain a proper compensation for the alleged damages suffered by the Louisa during the period of immobilization.
- B) As proven during the hearings held before this Tribunal between 4 October and 12 October, Spain considers that Saint Vincent and the Grenadines is not entitled to exercise diplomatic protection in favor of the detained persons or the persons indicted in Cádiz, as such persons have no nationality link whatsoever with Saint Vincent and the Grenadines. Therefore, when answering this question, it is not necessary to specify the domestic remedies that should be exhausted in order to provide diplomatic protection..

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Nevertheless, with the sole purpose of cooperating with this Tribunal, as a subsidiary reference, and making clear that such cooperation is not to be interpreted as a change in the position maintained by Spain, information will be given on the still unexhausted remedies related to the persons mentioned by Saint Vincent and the Grenadines.

- 1.- It is to be underlined that all the alleged violations of defense rights, of human rights and denial of justice have taken place, if at all, in connection with the criminal proceedings currently being held in Cádiz. Therefore, these issues should be brought before the trial court (Audiencia Provincial of Cádiz), which must resolve them during the criminal proceedings. As a result, the domestic remedies yet to be exhausted would be:
  - i) Appeal against the indictment (Auto de procesamiento), still pending before the Audiencia Provincial of Cádiz.
  - ii) Judgment on the merits in the criminal proceedings currently under way in Cádiz. These proceedings must culminate in a final judgment issued by the Audiencia Provincial of Cádiz.
- 2.- After the final judgment ending the main proceedings, if the interested parties were still to consider that their human rights and defense rights had been violated, they could submit an appeal for protection (recurso de amparo) to the Constitutional Court, alleging human rights violations. This appeal (considered as being urgent and having priority) is the last domestic remedy that, according to the case-law of the European Court of Human Rights, must be exhausted in Spain before filing an international complaint for violation of human rights. The final judgment of the Constitutional Court on an appeal for protection is the last step in the domestic line of remedies and complaints. It opens the way for the interested parties to submit an application to the European Court of Human Rights. This Court is the last instance (now an international one) before which the persons, in favor of whom Saint Vincent and the Grenadines intends to provide diplomatic protection before the International Tribunal for the Law of the Sea, could validly claim respect for their human rights, and eventually be awarded reparations if the Strasbourg Court should find that Spain has violated such rights.

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ANNEX 1.A

SOCIEDAD DE PESQUISA MARITIMA, S.A.

[Sealed as received: DIRECTORATE-GENERAL FOR COASTS]

MINISTRY OF THE ENVIRONMENT

Plaza San Juan de la Cruz, s/n  
28071 Madrid

*To the attention of the Director-General for Coasts*

Madrid, 23 September 2003

Dear Sir:

Our company recently acquired a set of high-technology equipment for the morphological study of the deep seabed, and based on this we consider that it could be very useful for you to have a comprehensive DEMO (without any additional cost to you) of an echo-mapping and video-photo study of the sites attached to the present letter.

For these reasons, we ask to be granted an express permit-authorisation to carry out this DEMO. Our ship's stay in each of the areas under study will be 10-15 days, depending on the weather conditions.

Having nothing further to add, and thanking you in advance for your interest,

Regards,

TUPET, S.A.

[Signed] Luis Ángel Valero de Bernabé González  
President

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Piso 1 – Sala D1Agualva – PORTUGAL  
Tel. 919128150  
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Affiliate: c/ Cruz de Velayo, 8  
28210 Valdemorillo  
Madrid, SPAIN  
Tel/Fax: 918978917  
Email: [moli@arrakis.es](mailto:moli@arrakis.es)

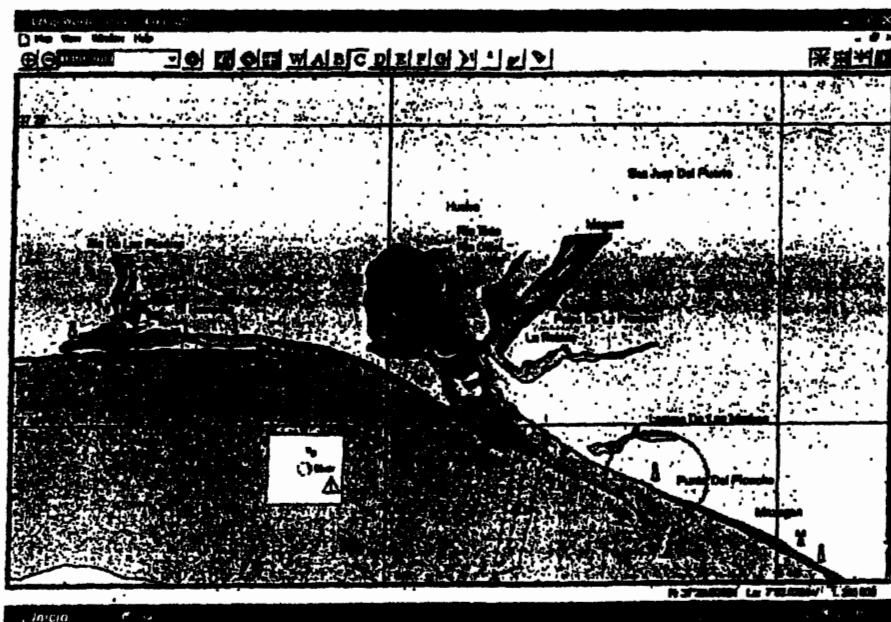
**SOCIEDAD DE PESQUISA MARITIMA, S.A.**

List of requested areas, map of the zone with attached on a separate sheet.

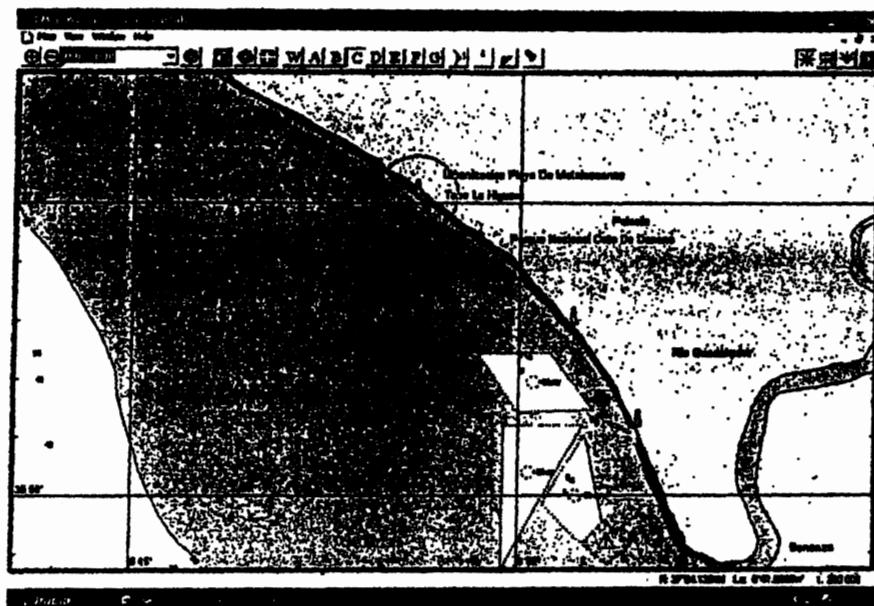
- Area 1: Waters of Andalusia, coasts of Huelva
- Area 2: Waters of Andalusia, high seas, between Huelva and Sanlúcar de Barrameda
- Area 3: Waters of Andalusia, Zahara de los Atunes Beach (Cádiz)
- Area 4: Waters of Andalusia, zone of Caños de Meca, Cabo de Trafalgar
- Area 5: Waters of Andalusia, zone of Punta Camarinal and Bolonia Beach
- Area 6: Waters of Andalusia, zone between La Atunara and Sotogrande (Cádiz)
- Area 7: Waters of Andalusia, between Rota and Cádiz
- Area 8: Waters of Galicia, area south of the Cíes Islands and Cabo Silleiro (Vigo)
- Area 9: Waters of Andalusia, Barrosa Beach (Cádiz)

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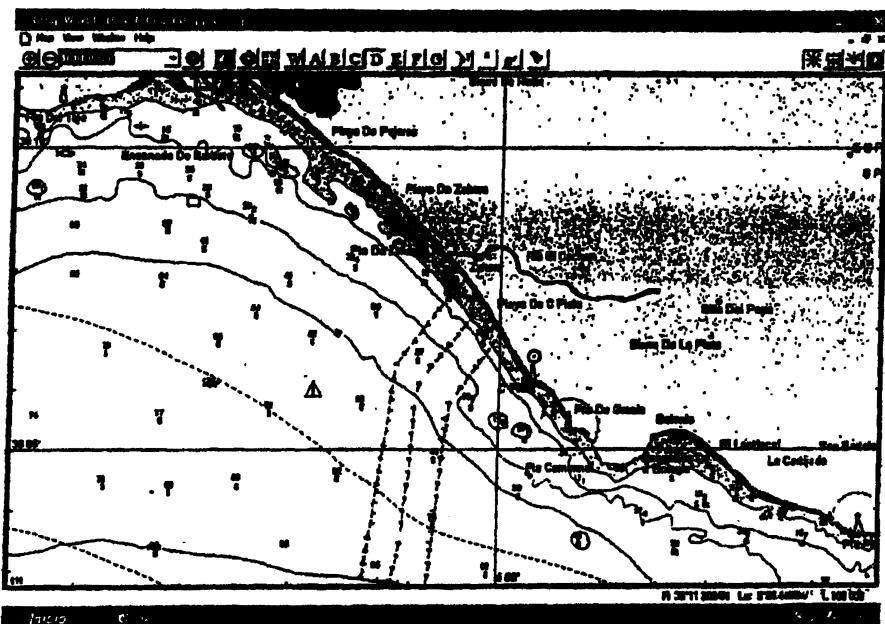
Affiliate: c/ Cruz de Velayo, 8  
28210 Valdemorillo  
Madrid, SPAIN  
Tel/Fax: 918978917  
Email: [moli@arrakis.es](mailto:moli@arrakis.es)



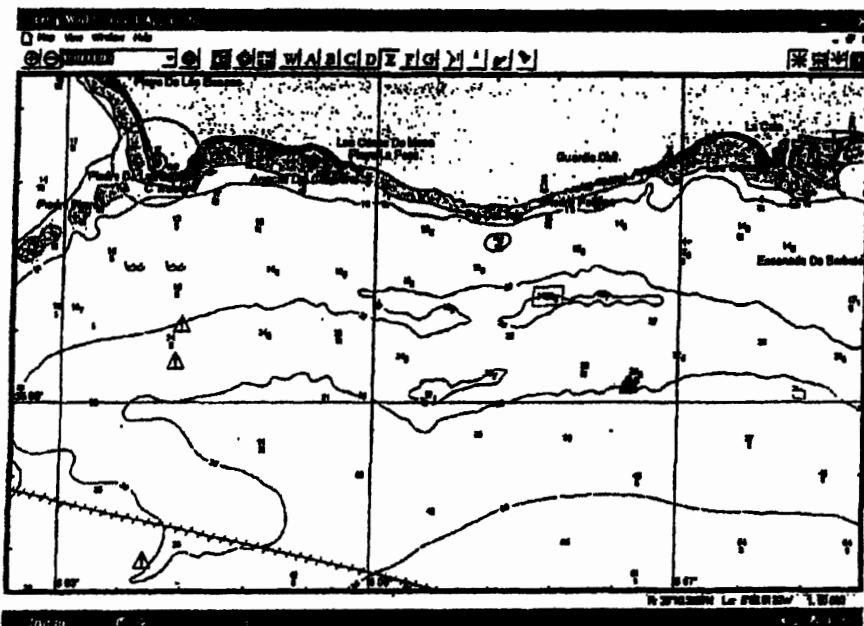
**Area 1: aguas de Andalucía  
Costas de Huelva**



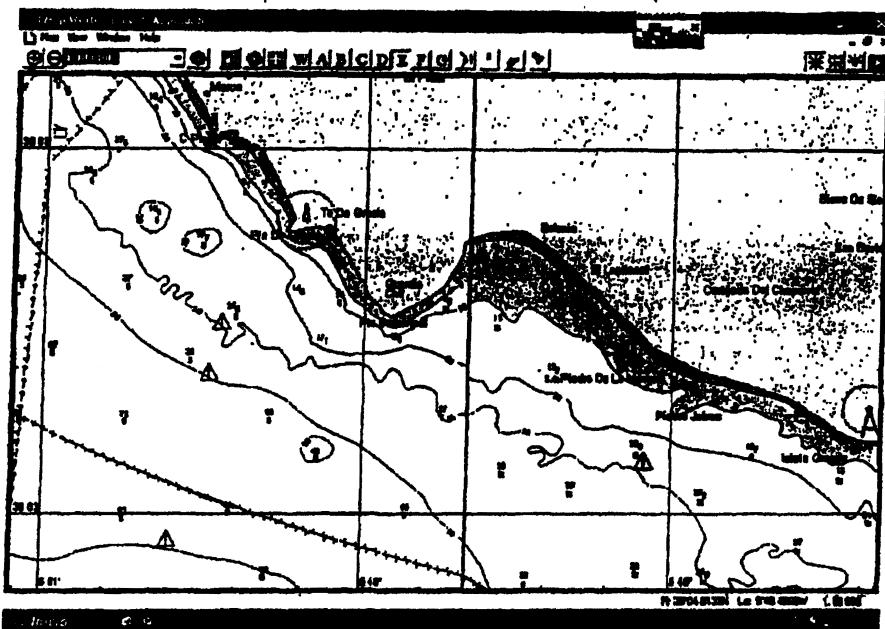
**Area 2: Aguas de Andalucía.  
Alta mar, entre Huelva y Sanlucar de Barrameda.**



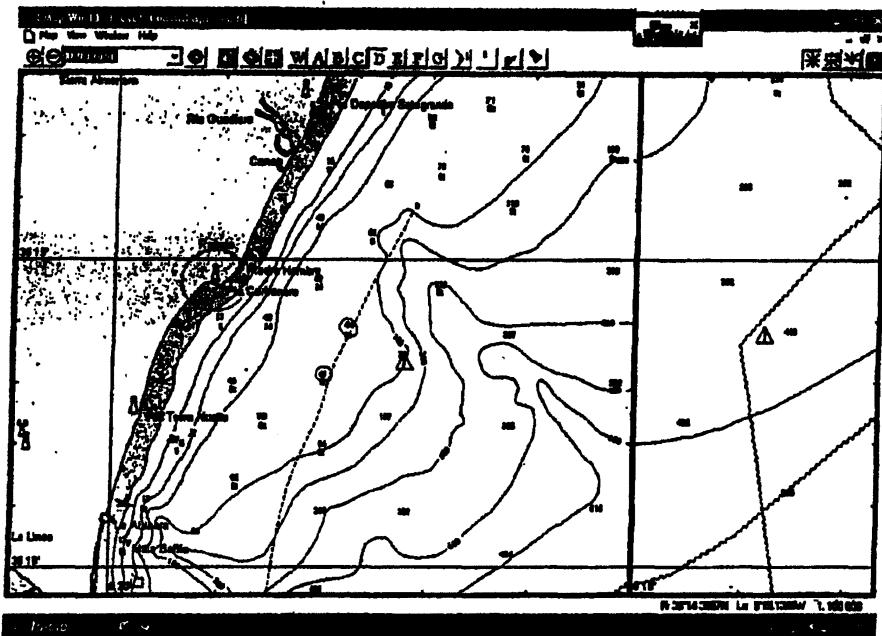
**Area 3: aguas de Andalucía.  
Playa de Zahara de los Atunes (Cadiz)**



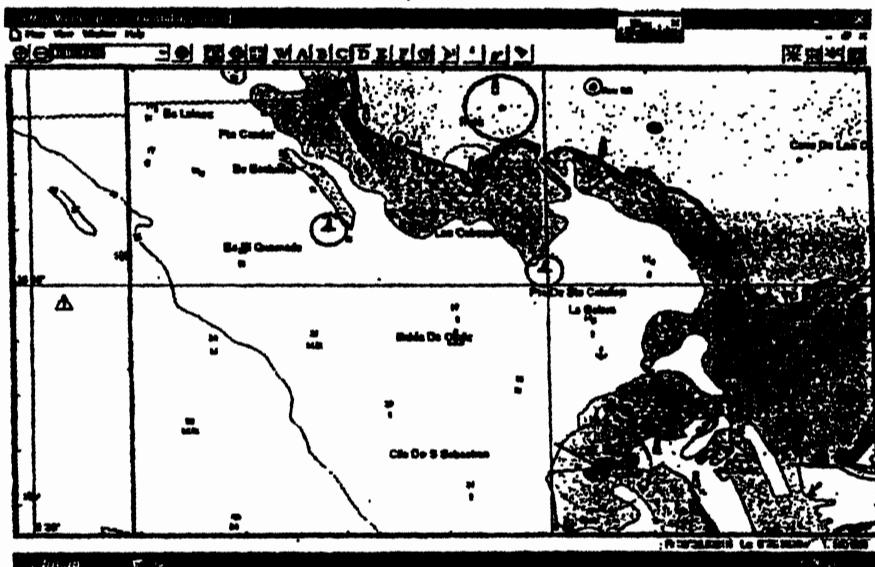
**Area 4: aguas de Andalucía.  
Zona de los Caños de Meca, cabo de Trafalgar.**



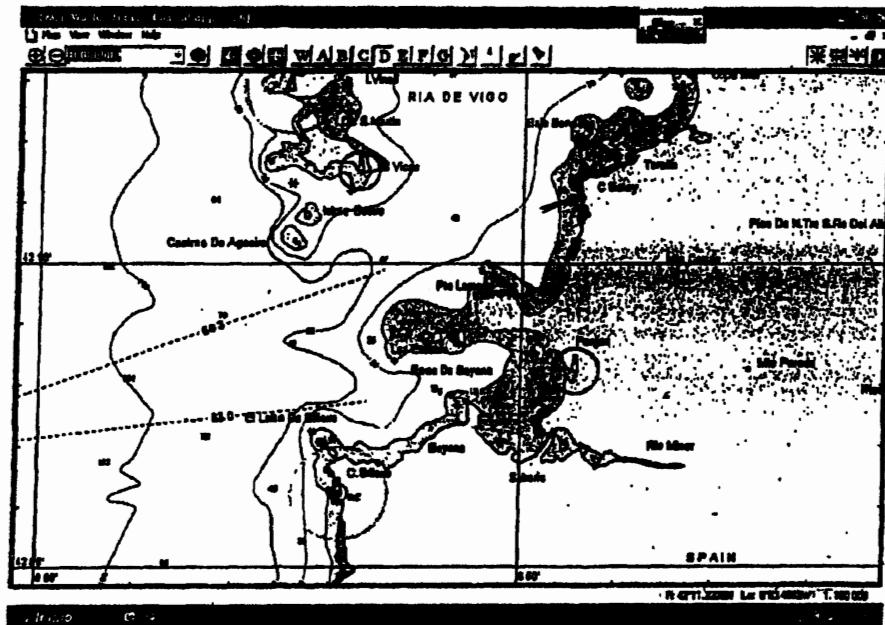
**Area 5; aguas de Andalucía.  
Zona de punta Camarinal y playa de Bolonia**



**Area 6: aguas de Andalucía.  
Zona entre La Atunara y Sotogrande (Cádiz)**

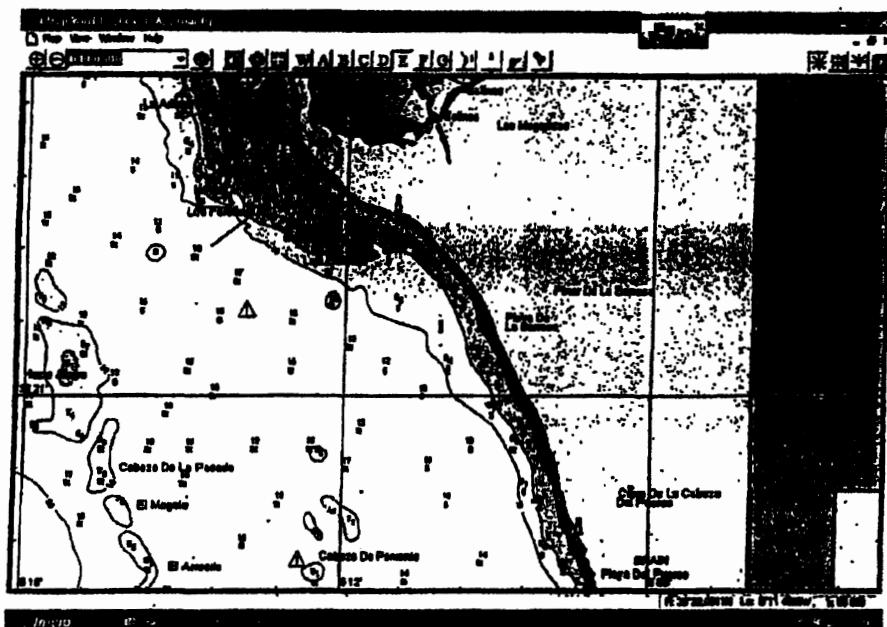


**Area 7: aguas de Andalucía.  
Entre Rota y Cádiz.**



**Area 8: aguas de Galicia.**

**Area sur de las islas Cíes y norte de cabo Silleiro (Vigo)**



**Area 9: aguas de Andalucía.  
Playa de la Barrosa (Cádiz).**

## ANNEX 4.B

MINISTRY OF THE ENVIRONMENT

OFFICE OF THE SECRETARY OF  
STATE FOR WATERS AND COASTS  
DIRECTORATE-GENERAL FOR  
COASTS  
Deputy Directorate-General for  
Management of the Maritime-Terrestrial  
Public Domain

[Sealed "MINISTRY OF THE ENVIRONMENT", 30 September 2003]

DATE: Madrid, 30 September 2003

RECIPIENT

TUPET SOCIEDAD DE PESQUISA  
MARÍTIMA, S.A.  
C/ CRUZ DE VELAYO N°6  
28210 VALDEMORILLO (MADRID)

REF: S-10168

SUBJECT:

Petition relating to an echo-mapping and video-photo study in the waters of Andalusia and Galicia, made by TUPET SOCIEAD DE PESQUISA MARÍTIMA, S.A.

In view of the petition regarding carrying out a DEMO of an echo-mapping and video-photo study noted above, made in writing by TUPET SOCIEDAD DE PESQUISA MARÍTIMA, S.A. on 23 September 2003.

Considering the wording of Art. 14 of the Act on the Legal System of the Public Administrations and Common Administrative Procedures, by virtue of the authority established in Art. 18 of Act 6/1997 of 14 April on the Organisation and Operations of the General State Administration for Directorates-General, and pursuant to Royal Decrees 758/1996 of 5 May, and 695/2000 of 12 May, as well as Art. 189 of the Coastal Regulations.

Considering the stipulations in the articles of Title III (Use of the maritime-terrestrial public domain), Chapter One (General Provisions), Section 1 (General System of Utilisation), Section 4 (other common principles), Chapter II (Art. 85, 87, 88 and 89), Chapter IV (Authorisations), Section 1 (General Provisions), Art. 146 of the General Regulations for the development and implementation of Act 28/1988 of 28 July on the Coasts, and Art. 84 and 88 of this Act.

Considering that the intended action does not involve damage to the maritime-terrestrial public domain.

This DIRECTORATE GENERAL, exercising the authority established in Art. 110 of the Coasts Act, AUTHORISES the carrying out of an echo-mapping and video-photo study in the waters of Andalusia and Galicia, by TUPET SOCIEDAD DE PESQUISA MARÍTIMA, S.A., under the conditions hereby set forth:

### GENERAL CONDITIONS

1. The present authorisation, which does not involve cession of the public domain, nor of the State's authority over said domain, is granted subject to the provisions of Act 22/1988 of 28 July, on the Coasts, and the General Regulations for its development and implementation, safeguarding private rights, and without prejudice to third parties.
2. This authorisation shall not permit, in any case, construction work or building of fixed structures within the public domain zone, nor the occupation of the public domain with collapsible installations, understood as such those defined in Art. 51 of the Coasts Act, and Art. 108 of its Regulations.
3. The granting of this authorisation does not exempt its holder from obtaining other legally required authorisations, nor from obeying the rules in force regarding human safety in swimming or recreational areas, or where recreational watercraft are used.
4. Advertising on placards or billboards, by acoustic or audiovisual means, or marks or signals in public areas are prohibited.
5. The Ministry of the Environment shall retain at all times its authority to patrol and police the affected public domain, being the authorisation holder required to inform the relevant regional Coastal Authority of any incidents that might occur regarding this public good, and to carry out the instructions given by these authorities.
6. The authorisation holder is required to comply and cause third parties, when appropriate, to comply with every single condition of this authorisation, whether *ex officio* or on orders from the Coastal Authority, notwithstanding the fact that the Coastal Authority may impose appropriate sanctions if necessary, being the authorisation holder directly responsible for any infraction or non-compliance, or any excess committed in the use and occupation of the territory encompassed by the present authorisation.
7. The period for carrying out the actions shall be six (6) months.
8. This authorisation shall expire, partially or totally, for the general reasons set forth in Art. 79 of the Coasts Act, as well as for the following reasons:
  - 8.1. Modification of the authorised uses.
  - 8.2. Evacuating or pouring out dirty water and solid waste.
  - 8.3. Non-compliance with the condition of this authorisation, as well as any of the prohibitions established generally in the Coasts Act and its regulations.

Against the present resolution, which marks the end of the administrative process, interested parties who are not from the Public Administrations may lodge an appeal for reconsideration within one (1) month addressed to the Minister of the Environment or, directly, lodge a contentious-administrative appeal within two (2) months before the Administrative Chamber of the National High Court.

The Public Administrations may lodge a contentious-administrative appeal within two (2) months before the Administrative Chamber of the National High Court, without prejudice to their making a prior motion in the manner and within the deadlines determined in Art. 44 of Act 29/1998 of 13 July, regulating the Contentious-Administrative Jurisdiction.

The deadlines shall be calculated from the day after notice of the present resolution is served.

THE DIRECTOR-GENERAL FOR COASTS

[Signed] José Trigueros Rodrigo

ANNEX 2.A

TUPET, S.A.  
SOCIEDADE DE PESQUISA MARITIMA

[Sealed as received: MINISTRY OF THE ENVIRONMENT, 27 February 2004]

MINISTRY OF THE ENVIRONMENT  
Directorate-General for Coasts  
Plaza San Juan de la Cruz, s/n  
28071 Madrid

Attention: The Director-General for Coasts

Madrid, 24 February 2004

Dear Sir:

Regarding the permit granted by the above Directorate-General, dated 30 September 2003 to TUPET Sociedad de Pesquisa Marítima, S.A. for carrying out a DEMO of an underwater video-mapping and filming study, we ask to be granted a renovation for a period of 1 year, at the same sites already requested, and at the same time, permission is requested for permanent anchorage at these sites in order to best take advantage of good weather conditions and thus to be able to finish said DEMO, because, since we were granted the aforesaid permit, we have obtained few results due to inclement weather.

In order to achieve the expected results, we need to have a larger ship with accommodations and storage for the necessary crew and equipment, and thus take advantage of the upcoming good weather starting in the spring, summer and autumn (the name and license number of this ship will be sent to you in the days before the operations start). Our results will be sent to this Directorate-General as they are obtained.

Having nothing further to add, and thanking you in advance for your interest,

Regards,

TUPET, S.A.  
[Signed] Luis Ángel Valero de Bernabé González  
President

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**ANNEX 2.C**

MINISTRY OF THE ENVIRONMENT

OFFICE OF THE SECRETARY OF  
STATE FOR WATERS AND COASTS  
DIRECTORATE-GENERAL FOR  
COASTS  
Deputy Directorate-General for  
Management of the Maritime-Terrestrial  
Public Domain

[Sealed "MINISTRY OF THE ENVIRONMENT", 3 March 2004]

DATE: Madrid, 3 March 2004

RECIPIENT  
TUPET SOCIEDAD DE PESQUISA  
MARÍTIMA, S.A.  
C/ CRUZ DE VELAYO Nº6  
28210 VALDEMORILLO (MADRID)

REF: S-10168

## SUBJECT:

Petition relating to an echo-mapping and video-photo study in the waters of Andalusia and Galicia, made by TUPET SOCIEAD DE PESQUISA MARÍTIMA, S.A.

In view of the petition regarding carrying out a DEMO of an echo-mapping and video-photo study noted above, made in writing by TUPET SOCIEDAD DE PESQUISA MARÍTIMA, S.A. on 3 March 2004.

Considering the wording of Art. 14 of the Act on the Legal System of the Public Administrations and Common Administrative Procedures, by virtue of the authority established in Art. 18 of Act 6/1997 of 14 April on the Organisation and Operations of the General State Administration for Directorates-General, and pursuant to Royal Decrees 758/1996 of 5 May, and 695/2000 of 12 May, as well as Art. 189 of the Coastal Regulations.

Considering the stipulations in the articles of Title III (Use of the maritime-terrestrial public domain), Chapter One (General Provisions), Section 1 (General System of Utilisation), Section 4 (other common principles), Chapter II (Art. 85, 87, 88 and 89), Chapter IV (Authorisations), Section 1 (General Provisions), Art. 146 of the General Regulations for the development and implementation of Act 28/1988 of 28 July on the Coasts, and Art. 84 and 88 of this Act.

Considering that the intended action does not involve damage to the maritime-terrestrial public domain.

This DIRECTORATE GENERAL, exercising the authority established in Art. 110 of the Coasts Act, AUTHORISES the carrying out of an echo-mapping and video-photo study in the waters of Andalusia and Galicia, by TUPET SOCIEDAD DE PESQUISA MARÍTIMA, S.A., under the conditions hereby set forth:

GENERAL CONDITIONS

1. The present authorisation, which does not involve cession of the public domain, nor of the State's authority over said domain, is granted subject to the provisions of Act 22/1988 of 28 July, on the Coasts, and the General Regulations for its development and implementation, safeguarding private rights, and without prejudice to third parties.
2. This authorisation shall not permit, in any case, construction work or building of fixed structures within the public domain zone, nor the occupation of the public domain with collapsible installations, understood as such those defined in Art. 51 of the Coasts Act, and Art. 108 of its Regulations.
3. The granting of this authorisation does not exempt its holder from obtaining other legally required authorisations, nor from obeying the rules in force regarding human safety in swimming or recreational areas, or where recreational watercraft are used.
4. Advertising on placards or billboards, by acoustic or audiovisual means, or marks or signals in public areas are prohibited.
5. The Ministry of the Environment shall retain at all times its authority to patrol and police the affected public domain, being the authorisation holder required to inform the relevant regional Coastal Authority of any incidents that might occur regarding this public good, and to carry out the instructions given by these authorities.
6. The authorisation holder is required to comply and cause third parties, when appropriate, to comply with every single condition of this authorisation, whether *ex officio* or on orders from the Coastal Authority, notwithstanding the fact that the Coastal Authority may impose appropriate sanctions if necessary, being the authorisation holder directly responsible for any infraction or non-compliance, or any excess committed in the use and occupation of the territory encompassed by the present authorisation.
7. The period for carrying out the actions shall be twelve (12) months.
8. This authorisation shall expire, partially or totally, for the general reasons set forth in Art. 79 of the Coasts Act, as well as for the following reasons:
  - 8.1. Modification of the authorised uses.
  - 8.2. Evacuating or pouring out dirty water and solid waste.
  - 8.3. Non-compliance with the condition of this authorisation, as well as any of the prohibitions established generally in the Coasts Act and its regulations.

Against the present resolution, which marks the end of the administrative process, interested parties who are not from the Public Administrations may lodge an appeal for reconsideration within one (1) month addressed to the Minister of the Environment or,

directly, lodge a contentious-administrative appeal within two (2) months before the Administrative Chamber of the National High Court.

The Public Administrations may lodge a contentious-administrative appeal within two (2) months before the Administrative Chamber of the National High Court, without prejudice to their making a prior motion in the manner and within the deadlines determined in Art. 44 of Act 29/1998 of 13 July, regulating the Contentious-Administrative Jurisdiction.

The deadlines shall be calculated from the day after notice of the present resolution is served.

THE DIRECTOR-GENERAL FOR COASTS

[Signed, sealed] José Trigueros Rodrigo

## ANNEX 3.A.

MINISTRY OF THE ENVIRONMENT  
Directorate-General for Coasts  
Plaza San Juan de la Cruz, s/n  
28071 Madrid

Attention: The Director-General for Coasts

Madrid, 5 April 2004

Dear Sir:

Regarding the permit granted by the above Directorate-General, dated 3 March 2004, to TUPET Sociedad de Pesquisa Marítima, S.A. for carrying out a DEMO of an underwater video-mapping and filming study, we state the following:

That, with the desire of gaining maximum benefit from the high cost and technology of the equipment that to a large extent we are using on board, we ask that this Directorate-General grant us an expansion of this permit, in order to take samples from the seabed in order to expand the study with a report on the environmental impact on the seabed (without any additional cost to you), referring to the impact of the waste accumulated over time due to shipping traffic, first we will study area 7, waters of Andalusia, between Rota and Cadiz, between the following coordinates:

36° 31' 000" N, 36° 35' 000" N, 6° 19' 000" W, 6° 27' 000" W  
36° 58' 000" N, 37° 05' 000" N, 6° 51' 000" W, 7° 08' 000" W

Starting from the central axis of the rectangle produced by these coordinates, and at the same time, permission is requested for constant anchorage (8-10 days) at each location point, in order to best take advantage of good weather conditions.

You shall be notified of the name and registration number of the vessels in the days before operations begin, being necessary a small vessel for the initial sites, within the delimited zone, and another of greater tonnage for taking the bottom samples. Our results shall be sent to this Directorate-General as they are obtained.

Having nothing further to add, and thanking you in advance for your interest,

Regards,

TUPET, S.A.  
[Signed] Luis Ángel Valero de Bernabé González  
President

ANNEX 3.B

MINISTRY OF THE ENVIRONMENT

OFFICE OF THE SECRETARY OF  
STATE FOR WATERS AND COASTS  
DIRECTORATE-GENERAL FOR  
COASTS  
Deputy Directorate-General for  
Management of the Maritime-Terrestrial  
Public Domain

Sealed "MINISTRY OF THE ENVIRONMENT, registered as "sent"]

DATE: Madrid, 5 April 2004

RECIPIENT  
TUPET SOCIEDAD DE PESQUISA  
MARÍTIMA, S.A.  
C/ Cruz de Velayo Nº6  
28210 VALDEMORILLO (MADRID)

REF: G-21

## SUBJECT:

Application relating to an echo-mapping and video-photo study in the waters of Andalusia and Galicia, made by TUPET SOCIEDAD DE PESQUISA MARÍTIMA, S.A.

In view of the application regarding carrying out a DEMO of an echo-mapping and video-photo study noted above, made in writing by TUPET SOCIEDAD DE PESQUISA MARÍTIMA, S.A. on 5 April 2004, asking for permission to take samples from the seabed in order to expand their study with an Environmental Impact Report on the seabed in the waters of Andalusia, between Rota and Cadiz, for the coordinates:

36° 31' 000" N, 36° 35' 000" N, 6° 19' 000" W, 6° 27' 000" W  
36° 58' 000" N, 37° 05' 000" N, 6° 51' 000" W, 7° 08' 000" W

Likewise, permission is sought for permanent anchorage (8-10 days) at each site.

Considering the wording of Art. 14 of the Act on the Legal System of the Public Administrations and Common Administrative Procedures, by virtue of the authority established in Art. 18 of Act 6/1997 of 14 April on the Organisation and Operations of the General State Administration for Directorates-General, and pursuant to Royal Decrees 758/1996 of 5 May, and 695/2000 of 12 May, as well as Art. 189 of the Coastal Regulations.

Considering the stipulations in the articles of Title III (Use of the maritime-terrestrial public domain), Chapter One (General Provisions), Section 1 (General System of Utilisation), Section 4 (other common principles), Chapter II (Art. 85, 87, 88 and 89), Chapter IV (Authorisations), Section 1 (General Provisions), Art. 146 of the General Regulations for the development and implementation of Act 28/1988 of 28 July on the Coasts, and Art. 84 and 88 of this Act.

Considering that the intended action does not involve damage to the maritime-terrestrial public domain.

This DIRECTORATE GENERAL, exercising the authority established in Art. 110 of the Coasts Act, has no objection to AUTHORISING the extraction of samples from the seabed in order to carry out an Environmental Impact Report on the seabed for the points indicated, by TUPET SOCIEDAD DE PESQUISA MARÍTIMA, S.A., under the conditions hereby set forth:

**GENERAL CONDITIONS**

1. The present authorisation, which does not involve cession of the public domain, nor of the State's authority over said domain, is granted subject to the provisions of Act 22/1988 of 28 July, on the Coasts, and the General Regulations for its development and implementation, safeguarding private rights, and without prejudice to third parties.
2. This authorisation shall not permit, in any case, construction work or building of fixed structures within the public domain zone, nor the occupation of the public domain with collapsible installations, understood as such those defined in Art. 51 of the Coasts Act, and Art. 108 of its Regulations.
3. The granting of this authorisation does not exempt its holder from obtaining other legally required authorisations, nor from obeying the rules in force regarding human safety in swimming or recreational areas, or where recreational watercraft are used.
4. Advertising on placards or billboards, by acoustic or audiovisual means, or marks or signals in public areas are prohibited.
5. The Ministry of the Environment shall retain at all times its authority to patrol and police the affected public domain, being the authorisation holder required to inform the relevant regional *Demarcaciones de Costas* [Coastal Authority] of any incidents that might occur regarding this public good, and to carry out the instructions given by these authorities.
6. The authorisation holder is required to comply and cause third parties, when appropriate, to comply with every single condition of this authorisation, whether *ex officio* or on orders from the Coastal Authority, notwithstanding the fact that the Coastal Authority may impose appropriate sanctions if necessary, being the authorisation holder directly responsible for any infraction or non-compliance, or any excess committed in the use and occupation of the territory encompassed by the present authorisation.
7. The period for carrying out the actions shall be that established in the decision of 2 March 2004.
8. This authorisation shall expire, partially or totally, for the general reasons set forth in Art. 79 of the Coasts Act, as well as for the following reasons:
  - 8.1. Modification of the authorised uses.
  - 8.2. Evacuating or pouring out dirty water and solid waste.
  - 8.3. Non-compliance with the condition of this authorisation, as well as any of the prohibitions established generally in the Coasts Act and its regulations.

9. When the Study is finished, a copy of the aforesaid shall be sent, together with the Environmental Impact Report on the seabed, to this Directorate-General for Coasts.

Against the present resolution, which marks the end of the administrative process, interested parties who are not from the Public Administrations may lodge an appeal for reconsideration within 1 month addressed to the Minister of the Environment or, directly, lodge a contentious-administrative appeal within 2 months before the Administrative Chamber of the National High Court.

The Public Administrations may lodge a contentious-administrative appeal within 2 months before the Administrative Chamber of the National High Court, without prejudice to their making a prior motion in the manner and within the deadlines determined in Art. 44 of Act 29/1998 of 13 July, regulating the Contentious-Administrative Jurisdiction.

The deadlines shall be calculated from the day after notice of the present resolution is served.

#### THE DIRECTOR-GENERAL FOR COASTS

[Signed] José Trigueros Rodrigo

[Sealed: Ministry of the Environment – Office of the Secretary of State for Waters and Coasts – Directorate-General for Coasts]

ANNEX 4

TUPET, S.A.  
SOCIEDAD DE PESQUISA MARITIMA, S.A.

[Sealed as received: "Ministry of the Environment, DIRECTORATE-GENERAL FOR COASTS, 23 August 2004"]

MINISTRY OF THE ENVIRONMENT  
Office of the Secretary of State for Waters and Coasts  
Deputy Directorate-General for Coasts  
Att. Mr Ángel Muñoz  
Plaza San Juan de la Cruz, s/n  
28071 Madrid

Madrid, 29 July 2004

Dear Sir:

Regarding the permit granted by said Directorate-General on 5 April 2004 to TUPET Sociedade de Pesquisa Maritima, S.A., for carrying out a DEMO of an underwater video-mapping and filming study, and extracting samples from the seabed, in the maritime zone between Rota and Cadiz, in principle, we hereby provide you with information on the larger vessel which, as we already informed you in previous letters, we were awaiting. This ship (of American nationality) will be anchoring at the different points for which we have authorisation, and have Cadiz as its home port.

Name of the ship: *M.V. LOUISA*  
Hull no.: 901  
Call sign: J8XM9  
Flag: St. Vincent & the Grenadines  
Port of registration: Kingstown  
Length: 50.02 m

As we informed you previously, the trust agent appointed for monitoring the different actions of this operation (for any clarification or coordination) is Mr Aníbal Arenas Beteta. Contact telephone: 607 999 555.

Having nothing further to add, and thanking you in advance for your interest and cooperation,

Regards,

TUPET, S.A.  
[Signed] Luis Ángel Valero de Bernabé González  
President

Headquarters: Rua da Ponte Nova, 9  
Piso 1 – Sala D1  
Agualva – PORTUGAL  
Tel. 919128150  
Fax: 219128159

Affiliate: c/ Cruz de Velayo, 8  
28210 Valdemorillo  
Madrid, SPAIN  
Tel/Fax: 918978917  
Email: [moli@arrakis.es](mailto:moli@arrakis.es)

## ANNEX 5.A

MINISTRY OF THE ENVIRONMENT

Directorate-General for Coasts

Plaza San Juan de la Cruz, s/n

28071 Madrid

[Sealed as received: MINISTRY OF THE ENVIRONMENT, 25 January 2005]

Attention: The Director-General for Coasts

Madrid, 24 January 2005

Dear Sir:

Our company recently acquired a set of high-technology equipment for the morphological study of the deep seabed, and based on this we consider that it could be very useful for you to have a comprehensive DEMO (without any additional cost to you) of a comparative study on the degradation of marine sedimentary deposits produced by urban waste or vessel discharges. This study will be carried out by aspiration of marine sediments, filming the same, and taking samples, for which permission is requested for permanent anchorage during a period of 1 year, with stays of 10-15 days at each site, depending on the weather conditions, at the following marine locations:

- San Pedro de Alcántara Beach, Marbella (Málaga)
- La Alcaidesa Beach, between the towns of Línea de la Concepción and Sotogrande (Cádiz)
- Algeciras Bay (Cádiz)
- Getares Beach, Algeciras (Cádiz)
- Ensenada de Bolonia, between the towns of Tarifa and Zahara de los Atunes (Cádiz)
- Zahara de los Atunes Beach
- La Barrosa Beach, Chiclana (Cádiz)
- Chipiona Beach and Barra del Guadalquivir (Cádiz)
- Matalascañas Beach (Huelva)
- Mazagón Beach (Huelva)

The study will be carried out in the area lying between the bathymetrics of 2 m to 30 m in depth.

We will provide quarterly technical reports, as well as samples and video-photo reports of the studies carried out at the locations mentioned above. For these reasons, we ask to be granted an express permit-authorisation to carry out the aforesaid DEMO and study.

We also inform you that the work mentioned above shall be carried out with the vessel MARU-K-III, registration 7VA2-91-91.

Having nothing further to add, and thanking you in advance for your interest,

Regards,

TUPET, S.A.

[Signed] Luis Ángel Valero de Bernabé González  
President

**ANNEX 5.2**

PLANGAS, S.L.  
C/ Fabiola de Mora nº 3,  
13630 Socuéllamos, CIUDAD REAL

[Seal: Ministry of the Environment, 14 March 2005, *Demarcación de Costas en Andalucía-Atlántico* (Andalusia-Atlantic Coastal Authority), registration no. 774]

REF.: GEN. AUTHORISATIONS/05

DATE: 14 March 2005

SUBJECT:

authorisation marine sediments study

Having studied your written request of 3 March 2005, asking for authorisation to carry out a "Comparative study on the degradation of marine sedimentary deposits produced by urban waste or vessel discharges", the work of which involves aspiration of marine sediments, filming, and sampling at different locations off the coast of Cadiz for a total period of one year, staying at each site for 10-15 days, this Demarcation [Coastal Authority] authorises the request under the following conditions:

1. This authorisation is granted for a period of one year, and this Demarcation must be informed sufficiently in advance of the exact dates, precise location, and working plans for the different sites, as the work is carried out for which authorisation was requested.
2. The execution of this work shall be carried out with the vessel MARU-K-III, registration 7VA2-91-91.
3. The present authorisation does not involve cession of the public domain, nor of the State's authority over said domain. The State Administration shall retain at all times its authority to patrol and police the affected public domain.
4. This authorisation does not entail the assumption of responsibilities by the Ministry of the Environment regarding the project, the execution and exploitation of the works and installations, both regarding third parties and the title-holders of the authorisation.
5. The granting of this authorisation does not exempt its holder from obtaining other legally required permits, licenses, and other authorisations which may be required by other legal provisions and, in particular, those referring to municipal activities, discharges into the public domain, and environmental, navigational or safety regulations.
6. Non-compliance, whether partial or complete, with the conditions and requirements contained in the authorisation could lead to the adoption of the corresponding expiration order for the authorisation, without prejudice to other responsibilities that could derive from said non-compliance.
7. Work may not begin until the corresponding certificate of having posted the bond has been presented at the offices of the Andalusia-Atlantic Coastal Authority in Cadiz. In the present case the bond totals 600.00 euros, which must be made out to the "*Demarcación de Costas en Andalucía-Atlántico*" at the

*Caja General de Depósitos* [Government Depository] of any Delegation of the Ministry of the Economy.

8. Given that the title-holder of the authorisation has agreed to give the Directorate-General for Coasts a DEMO of said study, the holder shall be exempt from paying the canon for occupation of and benefiting from the DPMT [Maritime Terrestrial Public Domain].
9. The applicant shall provide quarterly technical reports to this Demarcation providing information on the development of the study.

Pursuant to Arts. 107 and 114 of Act 30/1992 of 26 November on the Legal System of the Public Administrations and Common Administrative Procedures, as amended by Act 4/99 of 13 January, the present resolution does not exhaust the administrative channel, so that an appeal may be addressed to the Director General for Coasts, whether directly, at the Ministry of the Environment (Plaza San Juan de la Cruz, s/n, 28071 Madrid) or through this Demarcation.

Pursuant to Art. 115 of the aforesaid Act 30/1992, the deadline for presenting an appeal shall be ONE MONTH, calculated from the day after notice of the resolution is served.

#### THE HEAD OF THE DEMARCACTION

[Sealed "Andalusia-Atlantic Coastal Authority, Ministry of the Environment"]

[Signed] Gregorio Gómez Pina

ANNEX S.C.

DATE: Madrid, [illegible] February 2005

REF.: S-1027 AM/PPA

RECIPIENT  
DEMARCACION DE COSTAS DE  
CADIZ  
c/ Marianista Cubillo, 7  
11701-CADIZ

SUBJECT:  
DEMO RELATING TO MORPHOLOGICAL STUDIES OF DEEP SEA AREAS

This Deputy Directorate-General has received a written communication from the company PLANGAS, S.L. relating to morphological studies of deep sea areas, of which a copy is attached, so that it may be processed once the interested party contacts this *Demarcación* [Coastal Authority].

THE DEPUTY DIRECTOR-GENERAL

[Signed] Angel Muñoz Cubillo

Plaza San Juan de la Cruz, s/n  
28071 Madrid  
Tel.: 91 597 6000

## ANNEX 6.A

MINISTRY OF THE ENVIRONMENT

Directorate-General for Coasts

*Demarcación de Costas en Andalucía-Atlántico* [Andalusia-Atlantic Coastal Authority]

c/ Marianista Cubillo 7

11071 Cadiz

[Seal of the Andalusia-Atlantic Coastal Authority, dated 21 October 2005, entry registration no. 4533]

Dear Sirs:

With the present letter, regarding your authorisation dated 14/03/05 and with registration number 744, for a comparative study on the degradation of marine sedimentary deposits produced by urban waste or vessel discharges, we inform you that in order to carry out said study more quickly, we need the support of another vessel, which we have contracted, the license number and name of which is the following, GEMINI - 2044-YE; this vessel has the appropriate technical means under the legislation in force to be able to carry out, at the same time, together with the other vessel and at different sites, the study mentioned above.

We would like to inform you that the vessel MARU-K-III has been in dry dock during the summer period due to a mechanical breakdown, so that we are somewhat behind in being able to complete the study.

Once the MARU-K-III is repaired, and this new vessel begins work, we will be able to complete the study, in the manner and within the time agreed with you. We also hereby inform you that due to having these two vessels available, the study will be carried out simultaneously (weather permitting) at La Alcadesa Beach, Getares Beach, Zahara de los Atunes Beach, La Borrosa Beach, and the area of Cabo Roche.

Having nothing further to add, we send our regards.

Anibal Beteta Arenas

Administrator

ANNEX 6.C

PLANGAS, S.L.  
C/ Fabiola de Mora nº 3,  
13630 Socuéllamos, CIUDAD REAL

[Seal: Ministry of the Environment, 7 November 2005, *Demarcación de Costas en Andalucía-Atlántico* (Andalusia-Atlantic Coastal Authority), Registration no. 3743]

REF.: GEN. AUTHORISATIONS/05

DATE: 3 November 2005

SUBJECT:

authorisation support vessel

Having studied your written request of 21 October 2005, asking for authorisation for a support vessel for the comparative study on degradation of marine sedimentary deposits.

This Démarcation [Coastal Authority] has no objection to authorising the request, under the following conditions:

1. Authorisation is granted to the vessel GEMINI, license no. 3044-YE, subject to the conditions of the authorisation granted for this study, dated 14 March 2005, with registration number 744.
2. Any modification in the plans which involve a variation of the authorisation granted by this Demarcation, indicated in condition 1 thereof, shall be communicated sufficiently in advance as appropriate.

Pursuant to Art. 114 of Act 30/1992 of 26 November on the Legal System of the Public Administrations and Common Administrative Procedures, the present resolution may be appealed before the Director General for Coasts of the Ministry of the Environment, within ONE MONTH, calculated from the day after notice of the resolution is served. The appeal may be addressed directly to the Director General for Coasts (Plaza San Juan de la Cruz, s/n, 28071 Madrid) or to this Demarcation.

THE HEAD OF THE DEMARCATION

[Sealed "Andalusia-Atlantic Coastal Authority, Ministry of the Environment"]

[Signed] Gregorio Gómez Pina

ANNEX 7

MINISTRY OF THE ENVIRONMENT

OFFICE OF THE SECRETARY OF  
STATE FOR WATERS AND COASTS  
DIRECTORATE-GENERAL FOR  
COASTSPLANGAS, S.L.  
C/ Fabiola de Mora nº 3,  
13630 Socuéllamos, CIUDAD REAL

REF. NO.: ECA 11-01/05 – AUT. GRAL/05

DATE: 19/01/06

SUBJECT: DECISION ON THE FILE FOR EXPIRATION OF AUTHORISATION  
FOR MARINE SEDIMENT STUDIES[Seal: Ministry of the Environment, 19 January 2006, *Demarcación de Costas en Andalucía-Atlántico* (Andalusia-Atlantic Coastal Authority), registration no. 110]

Regarding the actions and documents contained in the Case file coded ECA 11-01/05 – AUT. GRAL/05 [“General Authorisation/05”],

GIVEN that a decision of 14 March 2003 authorised the entity PLANGAS, S.L. to carry out a “Comparative study on the degradation of marine sedimentary deposits produced by urban waste or vessel discharges”. In its request, Plangas, S.L. stated that the work would be carried out using the ship MARU-K-III.

GIVEN that on 6 December 2005, agents of the Civil Guard filed a report against Mr Roberto Mazzara, skipper of the vessel MARU-K-III, which was at the La Alcaidesa cove, municipality of La Línea, 200 m off the coast, carrying out analyses of the seabed without legal authorisation for the execution of professional work, due to being a List 7 vessel. The skipper of the aforesaid vessel showed the reporting agents the authorisation indicated in the preceding paragraph.

Having requested from the *Capitanía Marítima* [Maritime Authority] of Algeciras-La Línea, on 15 December, an expansion of the information available, the Authority sent a copy of the “Agreement for adopting measures of a provisional nature” dated 9 December 2005, pursuant to which the vessel was detained.

There is also evidence in the proceedings “Report on the inspection carried out on the Spanish-flag vessel MARU-K-III”, dated 9 December, in which it is stated that, according to the database of the Algeciras-La Línea Maritime Authority, this vessel lacked authorisation for the structural modifications that had been made to it, and that it was not in a seaworthy condition.

GIVEN that, once these antecedents had been analysed, it was agreed on 15 December 2005 to open case proceedings for said authorisation to expire.

GIVEN that the interested party, after having been notified of the opening of the present case proceedings, made allegations in which it stated that PLANGAS, S.L. formalised in March 2005 a working lease contract with the entity ABYSSPEDE, S.L. to carry out the work that was the subject of the authorisation, and this latter entity was the one required to hold the relevant permits, licences and authorisations. Lastly, it adds that on the date on which the Civil Guard report was filed, the vessel MARU-K-III was not carrying out the work contracted with PLANGAS, S.L., and that it has suspended and brought to a complete halt the activities and works that were authorised.

CONSIDERING that, contrary to the allegations made by the interested party, it has been proved that the vessel MARU-K-III, at the time the Civil Guard report was filed, was carrying out work that it claimed was covered by the authorisation that is the subject of this Case, an authorisation that the skipper showed to the Civil Guards making the report.

CONSIDERING THAT, pursuant to the section 2 of the Fifth Additional Provision of Act 22/1988 of 28 July, on Coasts, condition no. 5 of the authorisation granted on 14 March 2005 states: "*The granting of this authorisation does not exempt its holder from obtaining other legally required permits, licenses, and other authorisations which may be required by other legal provisions and, in particular, those referring to municipal activities, discharges into the public domain, and environmental, navigational or safety regulations.*"

Consequently, the one responsible for obtaining the required authorisations and licenses for carrying out the authorised activity is the entity PLANGAS, S.L., as title-holder of the authorisation.

CONSIDERING that condition no. 6 of the authorisation stipulates that noncompliance, whether partial or complete, with the conditions and requirements contained in the authorisation could lead to the adoption of the corresponding expiration order for the authorisation, without prejudice to other responsibilities that could derive from said non-compliance.

CONSIDERING that Art. 79.1. 1) of the Coasts Act is applicable, which establishes noncompliance with conditions as a cause of expiration of authorisations and concessions, this noncompliance being sanctioned with the expiration of the corresponding title.

CONSIDERING that Art. 80.2 of the Coasts Act stipulates that the declaration of expiration shall lead to the loss of the posted bond.

GIVEN the aforesaid precepts and Arts. 157.2 and 61 of the Regulations of the Coasts Act, approved by Royal Decree 1471/1989 of 1 December, IT IS AGREED:

To declare the expiration of the authorisation granted to PLANGAS, S.L. on 14 March 2005 for carrying out the "Comparative study on the degradation of marine sedimentary deposits produced by urban waste or vessel discharges", with loss of the bond for 600 euros that was deposited by the applicant for the authorisation.

Pursuant to Arts. 114 and 115 of Act 30/1992 of 26 November, on the Legal System of the Public Administrations and Common Administrative Procedures, an appeal against this resolution may be placed before the Director-General for Coasts of the Ministry of the Environment, within one month, calculated from the day after notice of the resolution is served. The appeal may be lodged directly, at the Directorate-General for Coasts (Plaza San Juan de la Cruz, s/n, 28071 Madrid) or at this Demarcation.

At Cadiz, on 19 January 2006.

THE HEAD OF THE DEMARCACTION

[Signed] Gregorio Gómez Pina

[Sealed "Andalusia-Atlantic Coastal Authority, Ministry of the Environment"]

ANNEX 8

MINISTRY OF AGRICULTURE,  
FOOD AND ENVIRONMENT

OFFICE OF THE SECRETARY  
OF STATE OF ENVIRONMET  
DIRECTORATE-GENERAL FOR COASTS  
DEPUTY DIRECTORATE-GENERAL  
FOR MARITIME AND TERRESTRIAL PUBLIC DOMAIN

DATE            Madrid, 18 October 2012

YOUR REF.

OUR REF.      G21

RECIPIENT  
MINISTRY OF FOREIGN AFFAIRES  
OFFICE OF THE UNDERSECRETARY  
INTERNATIONAL LAW DIVISION  
Plaza de la Provincia, 2  
28071 MADRID

SUBJECT

Certification concerning the information transmitted by PLANGAS SL and TUPET SA

After verification of the archives of this Directorate- General as well as those of the *Demarcación de Costas de Andalucía-Atlántico*, [coastal authorities], there is no record at those archives of information transmitted by Plangas SL and Tupet Sociedad de Pesquisa Marítima SA linked to the permits granted to those companies during the years 2003, 2004 and 2005.

THE DIRECTOR-GENERAL  
Pablo Saavedra Inaraja

[Official stamp]