



**HAUT-COMMISSARIAT
DE LA RÉPUBLIQUE
EN POLYNÉSIE FRANÇAISE**

*Liberté
Égalité
Fraternité*

Courtesy translation from French to English

Only the French version having force.

DECREE N° 2654 HC / AEM OF 15 DECEMBER 2021

AMENDED BY DECREE N° 194 HC/AEM OF 12 JANUARY 2022

ESTABLISHING "RECOMMENDED SEAWAYS" OF "MATAÏVA AND TIKEHAU" AND "MARUTEA NORD AND HIKUERU" AND A ZONE TO BE AVOIDED "NORD-OUEST TUAMOTU" IN THE WATERS UNDER FRENCH SOVEREIGNTY AND JURISDICTION BORDERING FRENCH POLYNESIA IN ORDER TO PREVENT GROUNDINGS, POLLUTION AT SEA AND ENSURE THE SAFETY OF PEOPLE AND PROPERTY, AND THE PRESERVATION OF THE MARINE ENVIRONMENT.

The High Commissioner of the Republic in French Polynesia,

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|----------------------|--|
| Having Regard | the International Convention on Action on the High Seas in the Event of an Accident Involving or Likely to Involve Oil Pollution, opened for signature in Brussels on 29 November 1969; |
| Having Regard | the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72), signed in London the 20th October 1972, and its amendments; |
| Having Regard | the 1973 International Convention for the Prevention of Pollution from Ships (MARPOL), as amended by the 1978 Protocol; |
| Having Regard | the United Nations Convention on the Carriage of Goods by Sea, adopted in Hamburg on 30 March 1978 ; |
| Having Regard | the United Nations Convention on the Law of the Sea signed in Montego Bay on 10 December 1982, and in particular Articles 21 and 194.3.b; |
| Having Regard | the 1974 International Convention for the Safety of Life at Sea (SOLAS), as amended, and its 1988 Protocol ; |
| Having Regard | the 1990 International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC) ; |
| Having Regard | Resolution A.572 of 20 November 1985 on the general provisions relating to the organization of maritime traffic of the International Maritime Organisation; |
| Having Regard | the Organic Law 2004-192 of 27 February 2004 establishing the status of autonomy of French Polynesia; |
| Having Regard | Articles L1521-1 and following of the Defence Code; |
| Having Regard | Articles L218-1 to L218 – 72 of the Environmental Code ; |
| Having Regard | Articles L5211-1 to L 5211-5 and L5772-1 of the Transport Code; |
| Having Regard | Ordinance No. 2016-1687 of 8 December 2016 on maritime areas under the sovereignty or jurisdiction of the French Republic; |
| Having Regard | Decree No. 2005-1514 of 6 December 2005 on the overseas organization of State action at sea; |
| Having Regard | Decree No. 2007-422 of 23 March 2007 on the powers of the High Commissioner of the Republic, the organization and action of the State services in French Polynesia, and in particular Article 5 thereof; |
| Having Regard | the decree 2011-2108 on the organization of the surveillance of the marine navigation; |
| Having Regard | the decree of 13 February 2015 amending the decree of 28 October 2011 relating to the delimitation of maritime zones; |

Having Regard	the decree of 8 August 2016 establishing a joint rescue aeronautical and maritime coordination centre in French Polynesia;
Having Regard	the decree of 25 October 2016 establishing the list of missions at sea incumbent on the State in the maritime zone of French Polynesia;
Having Regard	the decree of 18 November 2019 regulating navigation in the waters under French sovereignty and jurisdiction bordering French Polynesia and the island of Clipperton in order to prevent pollution at sea and to guarantee the safety of people and property.
Considering Considering Considering	the recurrent groundings of ships on the atolls of the Tuamotu archipelago; the difficulties of intervention linked to the remoteness of the atolls of the Tuamotu; the record of decisions of the Joint Maritime State – Country Commission validating the creation of two recommended routes on the axes Mataiva/Tikehau and Marutea Nord/Hikueru, based on the multiannual analysis of marine flows carried out by the JRCC Tahiti;
Considering	the need to protect the Fakarava Biosphere Reserve (UNESCO) and to preserve its fragile environment.

DECREES :

Article 1:

In order to prevent the grounding of ships on the atolls of the Tuamotu archipelago and to preserve the marine environment, are created in the waters under French sovereignty and jurisdiction bordering French Polynesia:

Two recommended two-way sealanes. These sealanes are flanked on both sides by precautionary zones.

An « area to avoid » in the Tuamotu archipelago, including the Fakarava Biosphere Reserve.

Article 2 :

The recommended two-way sealanes are defined as follows:

- Recommended Mataiva and Tikehau Sealane
- Recommended Marutea North and Hikueru Sealane

These routes are set to allow the crossing of the Tuamotu archipelago under a permanent safety distance of 7 nautical miles around each atoll.

Any vessel using these sealanes shall navigate, as long as it is safe to do so, on the right side of the sealane.

A map representation of these sealanes is given in Annex I to this decree.

Article 3:

Precautionary zones are defined as follows:

- “North of Mataiva and Tikehau Islands” Precautionary Zone
- “South of Mataiva and Tikehau Islands” Precautionary Zone
- “North of Takume and Fangatau Islands” Precautionary Zone
- “South of Haraiki and Reitoru Islands” Precautionary Zone

A map representation of these zones is given in Annex I to this Decree.

Article 4:

The area to be avoided is defined as follows:

- Zone to avoid «Nord-Ouest Tuamotu».

A map representation of this area is given in Annex I to this Decree.

Article 5:

All coordinates are expressed in WGS84.

5.1 The recommended two-way seaway of Mataïva and Tikehau connects the following points:

- Western boundary is defined by the line connecting the points:

B: 14°42.05'S – 148°25.30'W

C: 15°07.00'S – 148°34.60 W

- Eastern boundary is defined by the line connecting the points:

F: 14°44.25'S – 148°19.00 W

G: 15°09.20'S – 148°28.25 W

5.2 The precautionary zone "North of Mataïva and Tikehau Islands" is defined by a circular area with a radius of fifteen miles, centred on point I (14°49.50'S – 148°24.55 W) and bounded by the lines joining:

- On the one hand the points:

A: 14°35.20'S – 148°29.35 W

B: 14°42.05'S – 148°25.30'W

On the other hand the points:

E: 14°41.55'S – 148°11.40 W

F: 14°44.25'S – 148°19.00 W

5.3 The precautionary zone "South of Mataïva and Tikehau Islands" is defined by a circular area, with a radius of fifteen miles, centred on point J (15°01.70'S – 148°29.05'W) and bounded by the lines joining:

- On the one hand the points:

C: 15°07.00'S – 148°34.60 W

D: 15°09.65'S – 148°42.20 W

- On the other hand the points:

G: 15°09.20'S – 148°28.25 W

H: 15°16.00'S – 148°24.20 W

5.4 The Recommended Marutea North and Hikueru Seaway connects the following points:

- Western is boundary defined by the line connecting the points:

L: 15°41.30'S – 141°55.20 W

M: 17°17.40'S – 142°56.65 W

N: 17°41.15'S – 143°30.35 W

- Eastern boundary is defined by the line connecting the points:

Q: 15°36.00'S – 140°49.35 W
R: 16°34.55'S – 142°00.80 W
S: 17°13.75'S – 142°41.35 W
T: 17°33.95'S – 142°54.45 W
U: 17°52.85'S – 143°21.35 W

5.5 "North of Takume and Fangatau Islands" Precautionary Zone is defined by a circular area, a radius of forty miles, centred on point W (15°38.55'S – 141°22.00 W) and bounded by the lines between:

- On the one hand the points:

K: 15°24.50'S – 142°00.80 W
L: 15°41.30'S – 141°55.20 W

- On the other hand the points:

P: 15°29.65'S – 140°41.55 W
Q: 15°36.00'S – 140°49.35 W

5.6 "South of Haraiki and Reitoru Islands" Precautionary Zone is defined by a circular sector, with a radius of fifteen miles, centred on point X (17°45.85'S – 143°24.25 W) and bounded by the lines joining:

- On the one hand the points:

N: 17°41.15'S – 143°30.35 W
O: 17°39.20'S – 143°38.35 W

- On the other hand the points:

U: 17°52.85'S – 143°21.35 W
V: 18°00.75'S – 143°21.95 W

5.7 The Zone to avoid «Nord-Ouest Tuamotu» is defined as:

By the points:

AZ1: 15°16'S - 147°13 W
AZ2: 15°03'S - 146°48 W
AZ3: 15°21'S - 145°28 W
AZ4: 15°37'S - 144°32 W
AZ5: 16°29'S - 144°00 W
AZ6: 16°50'S - 143°55 W
AZ7: 17°20'S - 144°18 W
AZ8: 16°55'S - 145°20 W
AZ9: 16°18'S - 146°26 W
AZ10: 15°49'S - 146°58 W

Article 6:

This decree applies to all vessels over 15 metres in length operating in waters under French sovereignty or jurisdiction.

It shall not apply to State vessels, rescue and assistance vessels and vessels engaged in cabotage operations in the territorial waters of French Polynesia.

Article 7:

Unless otherwise necessary, the vessels referred to in Article 6 shall use the routes defined by this decree.

Article 8:

In accordance with the Transport Code, when required for the safety of navigation, any vessel referred to in Article 6 may be enforced to use the shipping lanes recommended by the authorities responsible for surveillance at sea, acting under the authority of the representative of the State at sea.

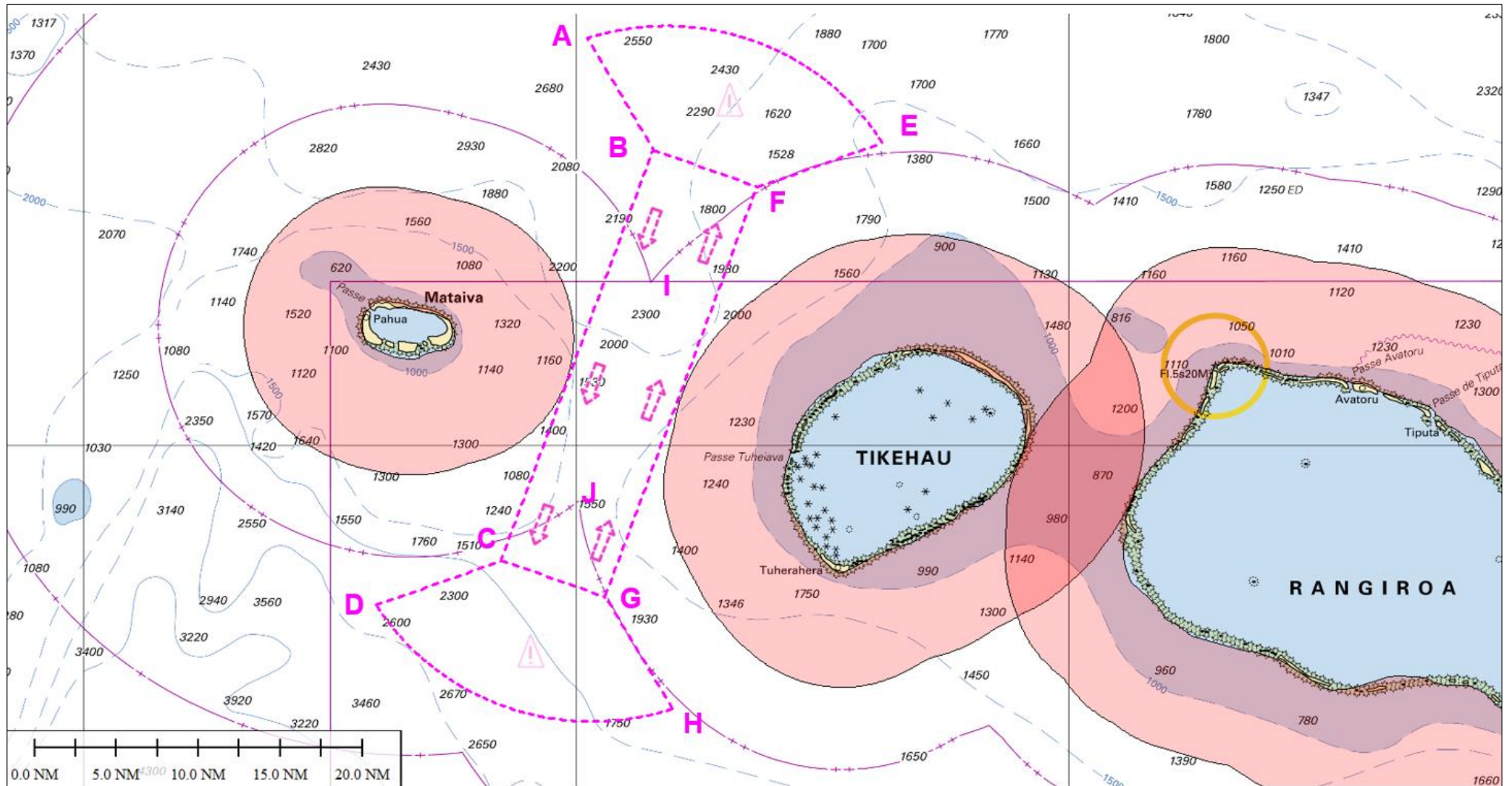
Article 9:

Infringements of the decisions taken for the application of Article 8 of this decree, ascertained by the authorised agents, expose their perpetrators to the prosecutions, penalties and sanctions provided by Articles 131-13.1 of the Penal Code, and by Articles L5242-1 and L5242-2 of the Transport Code.

Article 10:

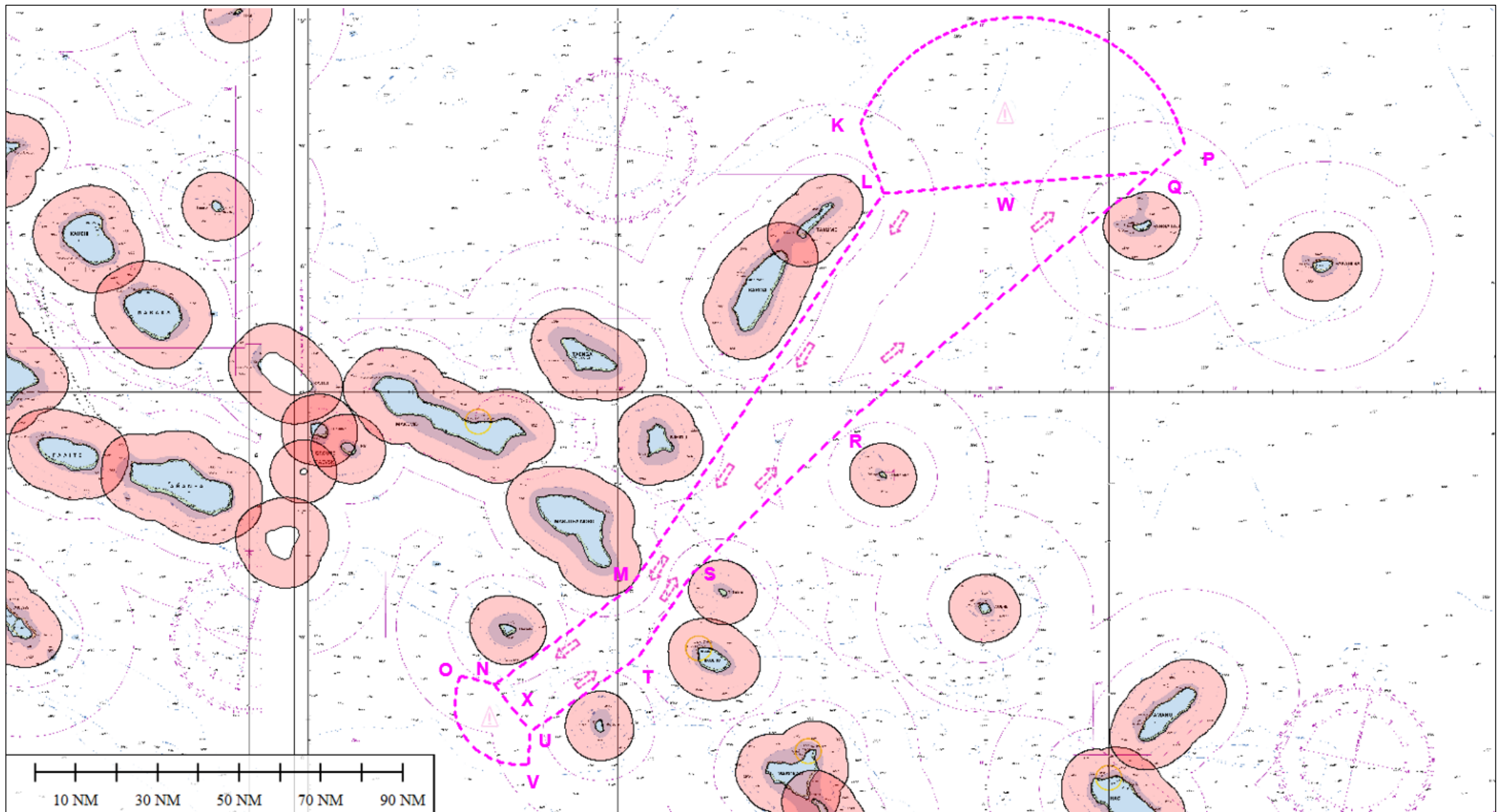
The Commander of the French Polynesia and Pacific Ocean Maritime Zones, the Head of the French Polynesia Maritime Affairs Service, the Director of JRCC Tahiti and the officers and agents authorised in matters of navigation police shall be responsible, each with regard to the execution of this decree which will be published in the Official Journal of French Polynesia.

ANNEX I to the Decree No HC/AEM du
RECOMMENDED MATAÏVA AND TIKEHAU SEALANES



NOT SUITABLE FOR NAVIGATION

ANNEX II to the Decree No HC/AEM du
RECOMMENDED MARUTEA NORTH AND HIKUERU SEALANES



NOT SUITABLE FOR NAVIGATION

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