

## Joint Declaration of Judges Kelly and Attard

We reassert our agreement with operative paragraph 6 of the Judgment.

However, bunkering of whatever type of ship may cause environmental harm to the exclusive economic zone. We therefore feel the need to declare our view concerning the regulation of bunkering in the exclusive economic zone. Specifically, we consider that bunkering in general falls under the jurisdiction of the coastal State as provided for in article 56, paragraph 1 (b)(iii), of the United Nations Convention on the Law of the Sea. Moreover, this jurisdiction is further considered in other articles of the Convention particularly in articles 211, paragraph 5, and in article 220, paragraphs 3, 5 and 6.

*(signed)* Elsa Kelly  
*(signed)* David Attard