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**THE COMPETENCES OF THE COASTAL
STATE AUTHORITIES IN THE
TERRITORIAL SEA: SPECIAL REFERENCE
TO GUARDIA CIVIL**

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Resumen: El artículo "Las Competencias del Estado Ribereño en el Mar Territorial: Especial Referencia a la Guardia Civil" explora en profundidad las competencias que ejerce el Estado español en su mar territorial, haciendo énfasis en el papel crucial de la Guardia Civil. Se revisa la evolución histórica del concepto de mar territorial, las competencias del Estado ribereño y el marco jurídico actual que las sustenta, tanto a nivel internacional como nacional y europeo. Se destacan las funciones específicas de la Guardia Civil en la vigilancia y control del mar territorial, la lucha contra el narcotráfico, la protección del medio ambiente marino y la seguridad de la navegación, entre otras. Además, se detallan los medios y capacidades de la Guardia Civil para desempeñar estas funciones, incluyendo su flota marítima, personal especializado y sistemas de vigilancia avanzados. Las conclusiones subrayan la importancia de la cooperación internacional, el uso de tecnologías avanzadas y la adaptación constante a nuevos desafíos para la gestión eficaz del mar territorial.

Abstract: The article "The Coastal State Competences in Territorial Waters: Special Reference to the Guardia Civil" delves deeply into the competences exercised by the Spanish State in its territorial waters, emphasizing the crucial role of Guardia Civil. It reviews the historical evolution of the concept of territorial sea, the coastal state's competences, and the current legal framework supporting them, at international, national, and European levels. The specific functions of Guardia Civil in monitoring and controlling the territorial sea, combating drug trafficking, protecting the marine environment, and ensuring navigation safety, among others, are highlighted. Additionally, the means and capacities of Guardia Civil to perform these functions are detailed, including its maritime fleet, specialized personnel, and advanced surveillance systems. The conclusions underscore the importance of international cooperation, the use of advanced technologies, and continuous adaptation to new challenges for the effective management of territorial waters.

Palabras Claves: Competencias del Estado Ribereño, Mar Territorial, Guardia Civil, Seguridad Marítima, Derecho Marítimo, Protección Ambiental, Vigilancia Marítima, España.

Keywords: Coastal State Competences, Territorial Waters, Guardia Civil, Maritime Security, Maritime Law, Environmental Protection, Maritime Surveillance, Spain.

ABBREVIATIONS

MPAs: Marine Protected Areas

AIS: Automatic Identification System

CECORVIGMAR: Coordination Centre for Maritime Coastal and Border Surveillance

UNCLOS: United Nations Convention on the Law of the Sea

CONVEMAR: United Nations Convention on the Law of the Sea

ISPS Code: International Ship and Port Facility Security Code

MSFD: Marine Strategy Framework Directive

FAO: Food and Agriculture Organisation of the United Nations

FRONTEX: European Border and Coast Guard Agency

UTF: Underwater Task Force

MAPA: Ministry of Agriculture, Fisheries and Food

MSP: Maritime Spatial Planning

IMO: International Maritime Organisation

CFP: Common Fisheries Policy

IMP: Integrated Maritime Policy

SEPRONA: Nature Conservation Service

IESS: Integrated External Surveillance System

TFEU: Treaty on the Functioning of the European Union

EU: European Union

UNCLOS: United Nations Convention on the Law of the Sea

UNESCO: United Nations Educational, Scientific and Cultural Organisation

VTMIS: Vessel Traffic Information and Management System

1. INTRODUCTION

The territorial sea, that strip of water extending from the coast to a maximum of 12 nautical miles (United Nations Convention on the Law of the Sea, 1982), transcends the mere status of a watery expanse adjacent to state territory. For countries with an extensive coastline, such as Spain – whose over 8,000 kilometres of coastline stretch between the Mediterranean, the Atlantic and the waters around the islands – the territorial sea is a fundamental physical and legal frontier: a space where economic interests (fishing, tourism, energy resources, maritime transport), environmental commitments, international obligations and the application of the provisions of European Union law (especially those derived from the Treaty on the Functioning of the European Union (TFEU) converge (Pastor Ridruejo, 1997; Díez de Velasco, 2004; Casado Raigón, 2010).

This web of rules and responsibilities, together with the growing importance of ecosystem protection and maritime safety, determines the complexity of the competences exercised by the Coastal State authorities in the territorial sea. Spain's membership of the European Union (EU) implies being subject to a supranational regulatory framework that conditions and enriches national legislation. Regulations such as the Common Fisheries Policy (Regulation (EU) No 1380/2013) or the Marine Strategy Framework Directive (2008/56/EC) show the degree of regulatory integration that predetermines Spanish maritime action, requiring comprehensive marine planning and adaptation to criteria for sustainability, cross-border cooperation and ecological conservation (Markus et al., 2011; Wakefield, 2016).

In this regulatory context, Guardia Civil emerges as a key institution for implementing and executing maritime policies. Its dual civil-military nature gives it a unique versatility to address a wide range of challenges in the territorial sea: from preventing maritime terrorism, drug trafficking and irregular immigration, to protecting the marine environment, transport security and monitoring fishing activities. Guardia Civil, therefore, not only operates within a dense and heterogeneous legal framework, but must also continuously adapt to the demands of a constantly evolving maritime environment, marked by climate change, technological innovation (drones, artificial intelligence, sensors) and transnational threats (piracy, smuggling, illegal fishing) (Rothwell & Stephens, 2016; Tanaka, 2019).

1.1. OBJECTIVES OF THE WORK

This study revolves around four fundamental objectives that seek to unravel the complexity of the competences of the Spanish Coastal State authorities in the territorial sea and the crucial role of Guardia Civil in executing these:

Clarifying the multi-scalar regulatory framework: Analysing in detail the legal bases that regulate the competences of the Coastal State authorities in the territorial sea, considering the international framework (UNCLOS), the provisions of the European Union (TFEU, directives and regulations) and Spanish domestic law. This analysis will provide an understanding of how sovereign powers are coordinated and constrained in a complex normative environment.

Examining the historical evolution of the concept and competences of the territorial sea: Tracing how the conception of the territorial sea has evolved from basically

defensive coastal claims to an internationally codified normative framework, highlighting the tensions and agreements that led to the consolidation of a consensual and balanced legal regime.

Studying the role of Guardia Civil: Understanding the operational role played by Guardia Civil in the praxis of the Coastal State authorities' competences. It will analyse how, as key players, the Coastal State authorities adapt their technological, protocol and organisational capabilities to current regulations, facing contemporary challenges arising from pressure on resources, transnational mobility, security threats and conserving marine biodiversity.

Identifying future prospects and possible adaptation strategies: Addressing emerging trends (climate change, technological innovation, asymmetric threats, stricter environmental requirements) to anticipate how the State, with the support of Guardia Civil and other institutional actors, can maintain the effectiveness, legitimacy and sustainability of its action in the territorial sea.

1.2. RESEARCH HYPOTHESES

The hypothesis guiding this study is as follows: "The effectiveness of the way the Coastal State authorities exercise their powers in the Spanish territorial sea is conditioned by their capacity to harmoniously integrate the provisions of international and European Union law with national rules, as well as by the decisive role of institutions like Guardia Civil, whose versatility and technological adaptation are essential to respond to the multifaceted and constantly evolving challenges of the maritime environment".

This hypothesis posits that proper governance of the territorial sea requires not only a strong regulatory framework that harmonises international, European and national regulations, but also the presence of a competent and technologically advanced security force. Guardia Civil, in its central role, acts as a bridge between legislation and its practical implementation, ensuring that established policies are translated into effective action on the ground. The integration of State sovereignty with the shared responsibilities imposed by the EU and contemporary international law demands a flexible and coordinated response, capable of anticipating and mitigating the impacts of climate change, pressure on marine resources and transnational threats. Furthermore, the hypothesis suggests that the technological adaptability and continuous training of Guardia Civil personnel are critical factors that enhance operational effectiveness, enabling a proactive response to emergencies and sustainable management of marine resources. In summary, the hypothesis states that the synergy between the legal framework and institutional operability is fundamental for effective governance of the Spanish territorial sea.

1.3. CONTEXTUALISATION AND RELEVANCE OF THE STUDY

The modern maritime environment not only demands a strong and coordinated State response, but also involves specialised bodies, such as Guardia Civil. Spain's geographical position, with strategic points like the Strait of Gibraltar and the Canary Islands, makes it an epicentre for highly complex and voluminous maritime activities. The Strait of Gibraltar, for example, is one of the busiest sea crossings in the world, serving as a connecting point between the Atlantic and the Mediterranean, making it a

key route for international trade, as well as a corridor for illicit activities, such as drug trafficking and irregular immigration. The waters around the Canary Islands, on the other hand, are the scene of irregular migratory flows that require constant vigilance and effective intervention that respects human rights and complies with international obligations.

In addition, growing environmental awareness and sustainability requirements imposed by the EU and international bodies are forcing the Coastal State authorities to adopt stricter conservation and resource management policies. The implementation of emerging technologies, such as artificial intelligence for early threat detection and the use of drones for coastal surveillance, strengthen the operational capacity of Guardia Civil and the integrity of maritime management. Cooperation with European agencies like FRONTEX broadens the scope of Guardia Civil's actions, enabling a coordinated response to transnational challenges and strengthening the security of the EU's maritime borders.

The relevance of this study lies in the need to understand how international and European regulations integrate with national laws to form a coherent framework for effective territorial sea management. It also emphasises the crucial role of Guardia Civil as an enforcer of these regulations, highlighting its ability to adapt technologically and operationally to a constantly changing environment. In a world where geopolitical and environmental dynamics evolve rapidly, understanding this interrelationship is essential to guarantee the security, sustainability and sovereignty of the Spanish territorial sea.

1.4. IMPORTANCE OF THE STUDY

Understanding and effectively managing competences in the territorial sea has become a strategic imperative for Spain, given its geopolitical role and its commitment to environmental sustainability and maritime security. This work not only seeks to clarify the regulatory framework governing the territorial sea, but also to highlight the importance of coordinated and technologically advanced action by Guardia Civil in defending and managing this vital space. In doing so, it aims to contribute to strengthening maritime governance by providing a holistic view that facilitates informed and strategic decision-making in the national and international maritime domain.

In short, this study not only addresses a highly relevant legal and operational issue, but also offers a holistic vision that integrates legal, technological and operational aspects, making a significant contribution to understanding and improving the governance of the Spanish territorial sea in a globalised and constantly changing context.

2. HISTORICAL EVOLUTION OF THE CONCEPT OF THE TERRITORIAL SEA AND THE COMPETENCES OF THE COASTAL STATE AUTHORITIES

Throughout history, the understanding of the territorial sea and the Coastal State authorities' attributions has undergone a remarkable metamorphosis from coastal claims based on military might and defensive needs to much more nuanced, balanced and legally codified conceptions. This transition is the result of multiple factors: the expansion of trade, the search for fishing and energy resources, the consolidation of international law,

the emergence of new actors and, more recently, the influence of the European Union's regulatory framework under the TFEU.

This historical evolution, in which sovereign interest is limited by international, environmental and security commitments, is the necessary starting point for understanding the complex competences exercised today by the Coastal State in its territorial sea. The following section will examine the origins and development of the concept of the territorial sea, as well as the tensions and balances that marked its progressive crystallisation in the international legal order.

2.1. ORIGINS AND DEVELOPMENT OF THE CONCEPT OF THE TERRITORIAL SEA

The concept of the territorial sea has its roots in the ancient notion that Coastal States exercised some degree of control over the waters adjacent to their coasts. Over the centuries, this idea mutated from diffuse and absolutist claims to a more balanced and consensual regulatory framework, reflecting the tensions between the freedom of the seas and the need for states to protect their coastal, economic, environmental and security interests (Pastor Ridruejo, 1997; Díez de Velasco, 2004; Casado Raigón, 2010).

Even back in ancient times, the Greek city-states and the Roman Empire defended their prerogatives over their surrounding waters, motivated by defence and commercial control. The Roman “mare nostrum”, conceived in the 2nd century BC, expressed the Republic's – and later the Empire's – claim to power in the Mediterranean Sea. During the Middle Ages, powers such as the Republic of Venice extended their dominion over the Adriatic Sea, symbolically ritualising this sovereignty with ceremonies like the “Sposalizio del Mare”. Such practices showed that maritime control was not only a matter of security and trade, but also of identity, prestige and political legitimisation.

In the Modern Age, several states, especially in Northern Europe, claimed exclusive rights over large maritime areas. However, these claims were challenged in the 17th century by the ideas of Hugo Grotius, who in his work “Mare Liberum” (1609) argued that the oceans should be considered the common heritage of mankind, free from exclusive appropriation. This doctrine opposed the ambitions of powers like Spain and Portugal, which had sought to divide up the oceans through the Treaty of Tordesillas (1494). The Grotian approach underlined the impossibility of effectively occupying or controlling the sea, highlighting its function as a global transport route that demands freedom of navigation.

The tension between the freedom of the seas and the desire of states to control their coasts led to the development of the “gunboat doctrine”, attributed to Cornelius van Bynkershoek in the early 18th century. This doctrine stated that coastal sovereignty extended as far as the range of a cannon shot from the coast (approximately three nautical miles). This technically based approach represented a first attempt to reconcile the requirements of coastal safety with the freedom of the seas principle. Although elementary, it set the precedent of linking the scope of maritime sovereignty to the effective ability to exercise control.

The 20th century saw more systematic efforts to codify the law of the sea. Although it failed to set the scope of the territorial sea, the 1930 Hague Conference marked the

beginning of global debates that would continue until after the Second World War. The growing importance of marine resources, booming fisheries, the need to protect trade routes and the interest in energy reserves on the ocean floor prompted many states to unilaterally extend their territorial seas. This proliferation of claims, sometimes by up to 200 nautical miles, was led by some Latin American countries concerned about overfishing and interference by foreign powers.

The First and Second United Nations Conferences on the Law of the Sea (UNCLOS I in 1958 and UNCLOS II in 1960) did not achieve a definitive consensus on the breadth of the territorial sea, although they produced important partial agreements. It was the Third Conference (1973-1982), culminating in the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, which established the 12 nautical mile limit for the territorial sea, thus codifying a practice that had broad international support. In addition, UNCLOS created new legal concepts such as the exclusive economic zone (EEZ) of up to 200 nautical miles, granting Coastal States sovereign rights to exploit living, mineral and energy resources, without overriding freedom of navigation and other marine freedoms.

This convention, considered to be the “Constitution of the Oceans”, represented a monumental achievement in codifying the Law of the Sea. It balanced the sovereign interest of states with the freedom of the seas principle, reflecting the delicate bargain between maritime powers, Coastal States and states with different needs and economic capabilities. UNCLOS also paved the way for other organisations, such as the European Union, to develop specific regulatory frameworks for fisheries, environment and maritime safety. The TFEU grants the EU competences that have a direct impact on how the territorial sea is managed, requiring Member States, including Spain, to harmonise their rules with EU directives, as well as to cooperate in cross-border maritime affairs (Markus et al., 2011; Wakefield, 2016).

The historical evolution of the territorial sea, from absolutist claims to designing a complex legal regime, is part of the broader context of the law of the sea being internationalised and regionalised. Spanish doctrine has underlined the relevance of this transformation: authors such as Pastor Ridruejo, Díez de Velasco and Casado Raigón emphasise that UNCLOS and the European norms derived from the TFEU have imposed a framework for international limitations and obligations on coastal sovereignty. This framework obliges states to cooperate, to balance national and common interests, to consider the environment and the sustainability of resources, and to accept mechanisms for peaceful settlement of disputes. In this way, the territorial sea is no longer just a salty extension of the territory, but an internationalised legal space in which state sovereignty is exercised, so to speak, under the scrutiny of international law and the European Union.

In short, the evolution of the concept of the territorial sea reflects the complexity of the interests that converge in the maritime domain, as well as the constant process of negotiation and compromise between states and the international community. Far from being a static space, the territorial sea has evolved from ancient aspirations of absolute dominance to the current situation, where coastal sovereignty strikes a dynamic balance with the general interest and the principles established by UNCLOS, EU law and international agreements on trade, navigation, environmental protection and maritime safety. This historical transformation lays the foundations for understanding the

competences of the Coastal State today, as envisaged in the global and regional legal framework, as well as its projection into the future.

2.2. EVOLUTION OF THE COMPETENCES OF THE COASTAL STATE AUTHORITIES

The definition of the territorial sea, the result of centuries of negotiation, has been accompanied by the expansion and diversification of the Coastal State authorities' competences. Far from being limited to coastal defence and control, these competences have been adapted to changing realities in the field of shipping, resource exploitation, environmental protection, jurisdiction over foreign vessels and maritime security. Throughout this evolution, the Coastal State authorities have had to harmonise their sovereign rights with the obligations imposed by international law, the United Nations Convention on the Law of the Sea (UNCLOS), and the requirements of European Union law, supported by the TFEU, which impose common standards in areas as diverse as sustainable fishing, environmental protection and port security (Pastor Ridruejo, 1997; Díez de Velasco, 2004; Casado Raigón, 2010; Tanaka, 2019).

2.2.1. Navigation control

Initially oriented towards defensive purposes, navigation control in the territorial sea has expanded to encompass comprehensive traffic regulation, safety of navigation and pollution prevention. The adoption of advanced technological systems, such as the Automatic Identification System (AIS) and the Vessel Traffic Management and Information System (VTMIS), has dramatically improved the Coastal State authorities' ability to monitor the waters, detect risks and respond immediately to emergency situations.

This improvement is not only technical; the European Union has promoted the harmonisation of maritime safety standards, facilitating the exchange of information between Member States and the establishment of traffic corridors. In the Strait of Gibraltar, for example, the integration of AIS and VTMIS has reduced the likelihood of collisions and spills, contributing to protecting the marine environment and the efficiency of maritime trade, in line with IMO guidelines and European maritime safety and security standards (Harrison, 2017; Jay et al., 2016).

2.2.2. Resource exploitation

The evolution of the Coastal State authorities' competences over marine resources reflects the transition from a coastal fisheries perspective to more complex management, including hydrocarbon extraction, seabed minerals, offshore renewables and aquaculture. This diversification process has been reinforced by the "blue economy", an integrated approach that seeks to balance the economic use of resources with environmental sustainability and the provisions on EU fisheries and environmental law.

In Spain, Law 3/2001 on State Maritime Fisheries establishes a comprehensive framework for managing fishery resources, incorporating criteria for sustainability and protecting the marine ecosystem. The Common Fisheries Policy (CFP) and related European directives (such as the Marine Strategy Framework Directive, 2008/56/EC) oblige Member States to maintain healthy fish stocks, monitor illegal fishing and ensure

that vulnerable habitats are protected. Furthermore, technological development to exploit deepwater resources has driven the need for specific regulatory frameworks, integrating scientific, environmental and economic aspects, and ensuring coordination with EU institutions (Wakefield, 2016; European Commission, 2021).

2.2.3. Criminal and civil jurisdiction

The extension of the Coastal State authorities' criminal and civil jurisdiction over foreign vessels in transit through the territorial sea poses the challenge of reconciling coastal sovereignty with freedom of navigation and respect for international obligations. UNCLOS (Arts. 27-28) sets out the conditions for exercising this jurisdiction, avoiding arbitrary interference and requiring proportionality.

Spanish doctrine (Díez de Velasco, 2004; Casado Raigón, 2010) and international jurisprudence have pointed out that complex cases, such as the Prestige shipwreck in 2002 off the coast of Galicia, test the effectiveness of state criminal and civil jurisdiction. This incident, which caused a major environmental catastrophe, involved multiple international actors and highlighted the importance of inter-state cooperation, judicial transparency and the consistent application of international law, EU law and national rules.

2.2.4. Environmental protection

Growing environmental awareness and the implications of climate change have led to the consolidation of competences aimed at preventing marine pollution, protecting biodiversity and conserving ecosystems. The Coastal State authorities have assumed responsibilities including the establishment of Marine Protected Areas (MPAs) and the adoption of measures to restore damaged habitats.

Spain has been a pioneer in creating MPAs, such as the Mar de las Calmas in El Hierro (1996), which protect unique ecosystems and serve as scientific research environments. Law 41/2010 on the protection of the marine environment, which transposes the Marine Strategy Framework Directive into national law, requires marine strategies to be developed for each demarcation, ensuring that national policies are aligned with the EU environmental acquis. This holistic approach links state action with European sustainability goals, reducing pollution, preserving biodiversity and promoting the resilience of the oceans to climate change (Sanz Larruga, 2018).

2.2.5. Maritime security

The 21st century has witnessed the expansion of the Coastal State authorities' security powers, driven by emerging threats, such as maritime terrorism, piracy, drug and arms trafficking, and irregular migration. The attacks on 11 September 2001 marked a turning point, leading to the adoption of the International Ship and Port Facility Security Code (ISPS Code), and promoting greater international and European coordination on maritime security.

Integrating international and European standards, Spain has revised its security protocols for ports and on board ships, training specialised personnel and adopting advanced detection technologies. The fight against drug trafficking, exemplified by

Operation Indalo – led by Guardia Civil in cooperation with FRONTEX – shows the capacity of the Coastal State authorities to adapt to transnational threats in the territorial sea, as well as the importance of multi-level cooperation between national, European and international authorities (Klein, 2011; Jay et al., 2016).

The evolution of the Coastal State authorities' competences reflects the increasing complexity of maritime governance in a globalised and technologically advanced environment. Far from being a purely internal process, this evolution responds to the integration of international and European obligations, constant dialogue with other states, assimilation of EU guidelines on fisheries, environmental and security issues, as well as adaptation to new challenges arising from climate change, exploitation of deep sea resources and cyber threats in the maritime domain.

The ability of the Coastal State authorities to exercise these competences in an effective, legitimate and sustainable manner depends on international cooperation, the development of advanced technological capabilities and the consolidation of regulatory frameworks consistent with UNCLOS, the TFEU and other international norms. In this scenario, institutions such like Guardia Civil in Spain become key actors, operating at the interface between national sovereignty, collective interest and the demands of an increasingly complex and multifaceted territorial sea.

3. CURRENT LEGAL FRAMEWORK FOR THE COASTAL STATE AUTHORITIES' COMPETENCES IN THE TERRITORIAL SEA

The current legal framework governing the competences of the Coastal State authorities in the territorial sea arises from the convergence of international law, European Union law (based on the TFEU) and domestic law. This dynamic and constantly adapting regulatory environment reflects the delicate balance between coastal sovereignty, freedom of navigation, environmental protection, sustainable resource use, maritime security and international cooperation. Understanding these fundamentals is key to assessing the extent and limits of State authorities' competences in the territorial sea, as well as the role of institutions like Guardia Civil in putting these rights and obligations into practice (Pastor Ridruejo, 1997; Díez de Velasco, 2004; Casado Raigón, 2010; Tanaka, 2019).

3.1. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

The United Nations Convention on the Law of the Sea (1982), known as the “Constitution of the Oceans”, is the cornerstone of the international legal regime for the territorial sea. It entered into force in 1994, after decades of intense negotiations and efforts to codify and harmonise the Law of the Sea. UNCLOS established a comprehensive and detailed normative framework, within which the sovereignty of the Coastal State over its territorial sea, water column, seabed and subsoil is recognised, as well as a carefully balanced set of rights and obligations.

Article 2 of UNCLOS proclaims the fundamental principle: “The sovereignty of the Coastal State extends beyond its territory and internal waters [...] to the territorial sea”. This recognition consolidates the idea that the territorial sea is an integral part of the State's territory, although it is not an area of unlimited sovereignty, but subject to the restrictions imposed by the Convention, international law and the applicable European

rules. The principle of innocent passage is an illustrative example of these limitations, guaranteeing the freedom of international navigation without compromising the legitimate interests of the Coastal State.

Key competences attributed to the Coastal State authorities by UNCLOS include:

3.1.1. Sovereignty over the water column, the seabed and the subsoil

UNCLOS allows the Coastal State to exercise its sovereignty to regulate all activities in its territorial sea. This includes fishing, marine scientific research, extraction of mineral resources, installation of offshore structures and, in general, adoption of measures to ensure the protection and sustainable use of resources. One example is Spain's decision to ban trawling in certain areas, demonstrating its ability to balance economic interests with environmental considerations, in line with the EU's Common Fisheries Policy (CFP), which requires scientific and sustainable criteria for exploiting fisheries resources.

Furthermore, the sovereign scope in the territorial sea implies the right to plan the occupation of marine space in an orderly manner, incorporating aspects relating to offshore wind energy, aquaculture and the protection of biodiversity. This sovereignty is not static, but must adapt to the challenges of climate change, the emergence of new technologies (such as the use of underwater drones for scientific exploration), and interaction with adjacent maritime areas that are also subject to international or European rules. Spanish doctrine has highlighted the importance of the Coastal State reconciling its powers with the obligations imposed by EU environmental legislation and international public law, guaranteeing coherence between economic development and ecological integrity (Pastor Ridruejo, 1997; Díez de Velasco, 2004; Casado Raigón, 2010).

3.1.2. Right to regulate innocent passage of foreign ships (Articles 17-26)

UNCLOS guarantees innocent passage for foreign vessels, but the Coastal State may impose reasonable rules and restrictions to safeguard security, public order, protection of living resources, the marine environment and coastal or offshore infrastructure. For example, Spain applies restricted navigation zones around offshore wind farms. When properly communicated to the maritime community, these regulations reflect the compatibility between the principle of innocent passage and State control in the territorial sea, as well as the relevance that the TFEU and European rules give to environmental conservation and maritime security.

This regulatory balance is particularly significant in hotspots like the Strait of Gibraltar, where the density of maritime traffic requires careful planning to avoid collisions and mitigate environmental risks. The imposition of mandatory routes, separate corridors for different types of ships or recommended maximum speeds exemplifies the Coastal State's ability to respond to operational and ecological challenges, in line with the recommendations of the International Maritime Organisation (IMO) and European directives on security and protection of the marine environment. This power, exercised transparently and proportionately, reinforces the authority of the Coastal State without infringing on the rights of the international community to smooth and orderly navigation.

3.1.3. Civil and criminal jurisdiction over foreign ships (Articles 27-28)

UNCLOS empowers the Coastal State to exercise criminal and civil jurisdiction in specific circumstances, for example, when an offence committed on board a foreign ship affects the peace, good order or security of the coastal country. International incidents, such as the hijacking of the *Achille Lauro*, have led states such as Spain to develop protocols for responding to crisis situations in the territorial sea. In this context, Spanish doctrine has stressed the importance of integrating these sovereign rights with European norms and international human rights commitments, ensuring the proportionality and legitimacy of State intervention (Díez de Velasco, 2004; Casado Raigón, 2010).

The complexity of this area also manifests itself in environmental crimes, polluting discharges, smuggling, trafficking in persons or arms, and other transnational crimes. Coordination with flag State authorities, EU agencies (such as Europol or FRONTEX) and other international bodies is essential to ensure efficiency, fairness and transparency in applying criminal and civil jurisdiction. In addition, the need to respect the principle of non-discrimination, due process and fundamental guarantees is a constant, which obliges the Coastal State authorities to act with prudence and legal rigour. This requirement reinforces the idea that exercising jurisdiction in the territorial sea is not a mere display of sovereignty, but an act subject to the restraint and responsibility imposed by the international legal order.

3.1.4. Control of marine scientific research activities (Article 245)

The Coastal State has the exclusive right to regulate and authorise marine scientific research in its territorial sea. This requires permits to be obtained from foreign entities and the obligation to share results with coastal authorities. Spain, through Law 14/2014 on Maritime Navigation, has adapted this mandate, ensuring coherence between scientific activities and European guidelines on managing the marine environment, as well as preserving biodiversity and environmental quality.

The relevance of this competence is even more evident in view of the growing importance of scientific knowledge to address global challenges, such as ocean acidification, migration of marine species due to climate change or the emergence of new pathogens in the marine environment. By regulating research activities, the Coastal State can set scientific priorities, ensure information transfer and promote international cooperative research, in line with EU policies that encourage scientific innovation and environmental sustainability. This control also protects the Coastal State against possible malpractice, such as biopiracy or unilateral exploitation of scientific data to the detriment of national interests or the international community.

3.1.5. Protection and preservation of the marine environment (Part XII)

UNCLOS enshrines the Coastal State's obligation to protect and preserve the marine environment, encouraging it to take measures against pollution and to promote the sustainability of marine ecosystems. Spain has developed this competence by creating the Marine Protected Areas and implementing marine strategies derived from the Marine Strategy Framework Directive (2008/56/EC), aligning its national policies with EU environmental objectives (Sanz Larruga, 2018).

It is important to highlight that the competences recognised by UNCLOS are not absolute. The right of innocent passage, as well as other treaty provisions, qualify the scope of coastal sovereignty, ensuring navigational freedoms and the common interest of the international community. In addition, UNCLOS establishes maritime zones beyond the territorial sea, such as the contiguous zone, the exclusive economic zone and the continental shelf, in which the Coastal State exercises additional rights and obligations.

The effectiveness of implementing these competences depends not only on the legal framework, but also on the operational capacities and resources available. Herein lies the relevance of bodies like Guardia Civil in Spain, which is responsible for ensuring compliance with regulations, responding to emergencies and threats, and cooperating with other European states and agencies in maritime surveillance, pollution control, safety of navigation and protection of marine resources and the marine environment.

In short, UNCLOS provides the fundamental pillar on which the current legal regime for the territorial sea is based. Its interaction with European Union law, the recommendations of international organisations and state practice reflects the complexity and regulatory density of the Coastal State's competences, which must be exercised in a responsible and balanced manner, in line with the principles and objectives shared by the international community and the European project.

3.2. EUROPEAN LEGAL FRAMEWORK

Over the last few decades, the European Union (EU) has developed a complex regulatory framework that complements and conditions how the Coastal State's competences are exercised in its territorial sea. These rules stem both from the TFEU, which gives the EU competences in areas such as fisheries, environmental protection or maritime spatial planning, and from various directives, regulations and framework policies that reflect the growing importance of maritime affairs on the European political agenda. The aim is to go beyond purely national approaches, promoting coordination between states to effectively address transboundary challenges, such as the deterioration of ecosystems, overfishing, the proliferation of marine litter and the sustainable deployment of offshore renewable energy (Rothwell & Stephens, 2016; Tanaka, 2019).

Spanish doctrine (Pastor Ridruejo, 1997; Díez de Velasco, 2004; Casado Raigón, 2010) has emphasised the impact of European integration on the Law of the Sea. EU rules oblige Member States to reconcile their sovereign interests with common environmental, social and economic objectives. This process, while complex, has fostered capacity building, improvement of the environmental quality of the marine environment and optimisation of resources through cooperation. Spain, with its extensive coastline and diversity of marine environments, has been particularly affected by these transformations and has had to adapt its regulations, strengthen inter-institutional coordination and develop integrated maritime management strategies.

The main elements of this European legal framework include:

3.2.1. Integrated Maritime Policy (IMP)

Adopted in 2007, the IMP aims to provide a more coherent approach to maritime affairs, avoiding the fragmentation of competences between different sectors and promoting a holistic view of the marine environment. The IMP covers areas such as blue growth, maritime data and knowledge, maritime spatial planning, integrated maritime surveillance and sea basin strategies. The aim is to improve the efficiency, sustainability and competitiveness of Europe's maritime economies.

The EU's Blue Growth Strategy is a concrete example of how the IMP is implemented, promoting sustainable development of emerging marine sectors, such as ocean energy or marine biotechnology, alongside established activities (fisheries, coastal tourism). In Spain, this policy has stimulated the adoption of national strategies aligned with European objectives, combining economic promotion with environmental protection and rational use of marine space. In this way, the IMP not only adds coherence to state action, but also facilitates the EU's international projection as a leader in integrated marine governance.

3.2.2. Marine Strategy Framework Directive (2008/56/EC)

The Marine Strategy Framework Directive (MSFD) is part of the Community's effort to achieve or maintain good environmental status in the marine environment. This regulatory instrument obliges Member States to carry out initial assessments of the status of their waters, set objectives and draw up programmes of measures to prevent and reverse ecological deterioration. Although the goal of achieving good environmental status by 2020 has not been fully achieved, MSFD has driven significant conservation efforts, promoting scientific data collection, regional collaboration and awareness of threats to the marine environment.

In Spain, the transposition of the MSFD materialised with Law 41/2010 on the protection of the marine environment, which divides national waters into five marine demarcations, reflecting the diversity of ecosystems and environmental pressures. The development of marine strategies for each demarcation has meant progress in terms of knowledge on the marine environment, the definition of specific environmental objectives and the adoption of monitoring programmes and integrated measures. Examples such as monitoring marine litter on beaches and seabeds illustrate the practical usefulness of the directive and its contribution to coherence between state action and European environmental standards (Sanz Larruga, 2018).

3.2.3. Regulation (EU) No 1380/2013 on the Common Fisheries Policy

The CFP regulates the management of fish stocks and the activity of fishing fleets in the EU, including the territorial sea. Its goal is to ensure that fisheries and aquaculture are environmentally, economically and socially sustainable. To this end, it establishes Total Allowable Catches (TACs) and quotas, based on scientific data, which oblige states to restrict catches to prevent overfishing and ensure the recovery of stocks.

The Landing Obligation, which prohibits unwanted catches from being discarded, has required the Spanish fleet to modify traditional practices, adjusting to principles of selectivity and reduction of juvenile fishing. This process has been complex, but it has

driven innovation in fishing gear, development of control capacities and cooperation between administrations, the fishing sector and scientists. The CFP thus exemplifies how the European regulatory framework serves as a catalyst for Member States to reconcile the interests of the fishing industry with conservation requirements and compliance with international standards, strengthening the legitimacy and effectiveness of fisheries management in the territorial sea.

3.2.4. Directive 2014/89/EU establishing a framework for managing maritime space

The Maritime Spatial Planning Directive (MSP) promotes the sustainable growth of maritime economies and rational use of resources. It requires Member States to adopt management plans that consider land-sea interactions and address potential conflicts between uses (fishing, tourism, mineral extraction, offshore renewable energy, maritime transport). These plans should integrate environmental, technical and socio-economic criteria, aligned with EU policies and international obligations.

In Spain, the transposition of the MSP through Royal Decree 363/2017 has led to maritime spatial plans being developed for its five marine demarcations. These plans involve close coordination between administrations, the private sector, regional governments and civil society, and serve to manage potential stresses, such as those arising from offshore wind farms being installed. This planning, informed by scientific data and public consultation, demonstrates how European rules drive participatory governance and balanced use of the territorial sea.

Alongside these main pieces of legislation, other EU directives and regulations – such as the Water Framework Directive (2000/60/EC), the Habitats Directive (92/43/EEC) or Regulation (EU) 2019/1896 on the European Border and Coast Guard – contribute to a complex legal framework affecting the management of the territorial sea. These rules promote the integration of sectoral policies, protection of marine biodiversity, prevention of pollution and enhancement of maritime safety, providing a more coherent and predictable environment for Coastal State action.

Although the implementation of European regulations poses challenges for Member States, which have to balance EU demands with their domestic priorities, the result is a more integrated, cooperative and sustainability-oriented maritime governance. In the case of Spain, adaptation to this Community framework has required strengthening of institutions, investment in technical and scientific capacity, staff training and active participation in European forums and agencies. These dynamics have reinforced Spain's international projection, its credibility as a responsible marine manager and its capacity to face complex challenges in its territorial sea in line with EU principles and objectives.

3.3. SPANISH LEGAL FRAMEWORK

In Spain, the competences of the State in the territorial sea are based on a legal framework that combines national legal tradition, international obligations – especially those derived from the UNCLOS – and the normative *acquis* of the European Union, based on the TFEU. This framework provides the legal basis for how state functions are exercised in areas such as maritime security, environmental protection, sustainable management of living and non-living resources, regulation of economic activities (fishing, tourism,

renewable energies, maritime transport) and preservation of the maritime-terrestrial public domain. Spanish doctrine (Pastor Ridruejo, 1997; Díez de Velasco, 2004; Casado Raigón, 2010) has underlined the complexity of this environment, in which the Coastal State must reconcile its sovereignty with international and European requirements, as well as with internal territorial diversity.

The main elements of this legal framework include:

3.3.1. Spanish Constitution of 1978

Article 132.2 of the Spanish Constitution expressly recognises the territorial sea, the maritime-terrestrial zone, the beaches and the natural resources of the economic zone and the continental shelf as State public domain property. This constitutional provision is the pillar underpinning the legal regime for the territorial sea, guaranteeing its nature of being inalienable, imprescriptible and subject to public use. The Constitutional Court has ratified this interpretation in rulings such as STC 149/1991, reaffirming the exclusive competence of the State in this area.

The constitutional relevance of the territorial sea reinforces the idea that its management cannot be considered merely sectoral or circumstantial, but that it responds to a concept of public interest, in addition to international obligations and European rules on the environment, fisheries, maritime spatial planning and maritime transport. This solid constitutional basis facilitates the articulation of coherent policies and allows the Spanish State to adapt to the requirements of the TFEU and EU directives and regulations without renouncing the fundamental principles of its domestic legal system.

3.3.2. Law 10/1977 of 4 January 1977 on the Territorial Sea

Law 10/1977 establishes the extent and limits of the Spanish territorial sea at 12 nautical miles from straight baselines. Its geographical precision is essential not only for defining sovereign competences in the territorial sea, but also for subsequently determining the contiguous zone, the exclusive economic zone and the continental shelf, spaces in which the Coastal State has specific rights under UNCLOS and European rules.

The delimitation of baselines, set out in decrees such as Royal Decree 2510/1977, has played a key role in ensuring geographical coherence with other coastal planning in the area and in making Spain's interests compatible with international and EU provisions. This geographical framework is the basis for national and European strategies aimed at conserving protected species, controlling maritime traffic, exploiting energy resources and developing offshore renewable energies, aligning sovereignty with sustainability and international cooperation.

3.3.3. Law 22/1988 of 28 July 1988 on Coasts

The Coastal Law regulates the determination, protection, use and policing of the maritime-terrestrial public domain, covering the coastal strip and the adjacent territorial sea. Although focused on the coastal area, this regulation has a significant impact on the territorial sea, by establishing a protection regime that prevents the privatisation of these spaces and limits environmentally damaging constructions and activities.

The restoration of coastal ecosystems, demolition of illegal constructions and regulation of how beaches and the maritime-terrestrial zone are used directly influence the environmental quality of the territorial sea. This law has helped to harmonise State action with the demands of civil society, European habitat regulations and the Water Framework Directive, improving coastal resilience and the health of marine ecosystems. The interaction between national rules and European provisions has fostered an integrated management of the coastal zone and the adjacent sea area, reinforcing the coherence of Spanish maritime policies.

3.3.4. Royal Legislative Decree 2/2011 of 5 September, approving the Consolidated Text of the Law on State Ports and the Merchant Navy

This recast text unifies the regulations relating to planning, managing and operating ports of general interest, as well as the merchant navy regime. It has a direct impact on maritime traffic management, safety of navigation, pollution prevention and response to maritime emergencies. For example, the implementation of the National Contingency Plan for Accidental Marine Pollution, derived from this framework, establishes clear protocols for oil spills or leakages of other harmful substances.

The coordination of these port policies with European standards on maritime safety and the environment, and with the international guidelines of the IMO, allows Spain to play a leading role in sustainably managing maritime transport in its territorial sea. Likewise, coordination with the regional authorities, port administrations, the private sector and European maritime security agencies favours the adoption of more demanding technical and operational standards, which increase the competitiveness and environmental responsibility of Spanish ports.

3.3.5. Law 14/2014 of 24 July 2014 on Maritime Navigation

The Law on Maritime Navigation modernises and unifies the legal regime for navigation in Spanish waters, covering situations and legal relationships arising from sea navigation. It regulates essential aspects like the status of ships, charter and passenger contracts, shipping accidents, limitation of liability and jurisdiction in maritime matters.

Of particular relevance is the regulation of rescue at sea, which requires assistance to persons in distress at sea, a principle enshrined in international law of the sea and reinforced by European standards on human rights and the protection of human life at sea. This law, while integrating with the obligations arising from the TFEU and EU directives on maritime transport, promotes security and international cooperation, improving Spain's emergency response capacity and strengthening collaboration with other states and organisations.

3.3.6. Law 41/2010 of 29 December 2010 on the protection of the marine environment

This law transposes the Marine Strategy Framework Directive (2008/56/EC) into Spanish law, establishing the framework for adopting measures aimed at achieving or maintaining the good environmental status of the marine environment. The division of Spanish marine waters into five demarcations and development of specific marine strategies reflect Spain's adaptation to European requirements.

The creation of marine protected areas, control of spills, fight against plastic pollution and conservation of vulnerable species are concrete examples of how this law is implemented. Their integration with national sectoral policies (fisheries, energy, tourism) and international obligations (UNCLOS, IMO conventions) facilitates coherence between state action and the European vision of a healthy and productive marine environment.

This complex Spanish legal framework, constantly adapting to technological innovations, pressures on marine ecosystems and emerging threats, requires close coordination between different agencies, levels of administration and private actors. Likewise, the distribution of competences between the State and the Regional Governments has given rise to tensions and conflicts, sometimes resolved by the Constitutional Court. Although the State retains exclusive competence over the territorial sea, the Regional Governments may manage certain activities (such as fishing in inland waters, shell-fishing or aquaculture) in accordance with their Statutes of Autonomy.

The result is a legal framework that channels the sovereignty of the Coastal State through constitutional norms, national laws, European provisions and international commitments. This complexity, far from being an obstacle, provides the flexibility and rigour necessary to respond to the challenges of the 21st century in the territorial sea: the protection of biodiversity, prevention of pollution, safety of navigation, responsible exploitation of resources and integration into a global maritime order marked by interdependence, innovation and cooperation.

4. GUARDIA CIVIL AND MARITIME SAFETY IN THE TERRITORIAL SEA

Guardia Civil, as a security corps of a military nature, plays an essential role in controlling, protecting and managing the Spanish territorial sea. It operates within a regulatory framework that combines domestic legislation, international law (mainly UNCLOS) and European obligations deriving from the TFEU and the European Union's Integrated Maritime Policy. This coordination ensures that Guardia Civil exercises its competences with a solid legal basis, aligned with the principles of sustainability, security, environmental protection and respect for the freedoms of navigation, responding to the operational needs of a complex and dynamic maritime scenario.

Civil guards deployed in the maritime domain face multiple challenges, from preventing irregular immigration and drug trafficking to protecting critical infrastructure, controlling fishing quotas and prosecuting smuggling. These tasks, which involve continuous adaptation to new traffic routes, climatic changes, technological innovations and emerging threats, such as maritime cybercrime, find their legal justification in a set of national and international rules that give Guardia Civil a clear and effective mandate in the territorial sea.

4.1. LEGAL BASIS FOR GUARDIA CIVIL'S MARITIME POWERS

The legal basis underpinning the Guardia Civil's maritime action is not merely a formal framework, but the operational foundation that legitimises its intervention and establishes the scope of its competences. These rules, interpreted in the light of Spanish doctrine (Pastor Ridruejo, 1997; Díez de Velasco, 2004; Casado Raigón, 2010), are combined with the international requirements of UNCLOS and European provisions on fisheries, the

environment and security, reflecting the necessary integration of the Coastal State into a global and supranational system of maritime governance.

Effective implementation of these laws requires not only legal knowledge, but also technological resources (aerial surveillance, satellite, integrated systems), specialised training and coordination with other institutions (Maritime Rescue, FRONTEX, Europol, IMO). In this way, Guardia Civil is a key player in protecting the territorial sea, contributing to collective security and compliance with international and European standards.

4.1.1. Organic Law 2/1986, of 13 March, on the Security Forces and Bodies.

This regulation, the essential foundation for the Spanish police organisation, gives Guardia Civil powers to protect nature and the environment, including the wealth of fish and other marine resources. In the context of the territorial sea, this translates into surveillance of fishing activity, verification of compliance with quotas set by the EU (under the CFP) and prevention of illegal fishing gear. A concrete example is the inspection of fishing vessels in the Gulf of Cadiz, where poaching of bluefin tuna, a species subject to strict international and EU regulations, has been detected.

This environmental mandate not only protects living resources, but also contributes to the economic sustainability of the fisheries sector and the preservation of marine ecosystems. By performing these tasks, Guardia Civil reinforces Spain's commitment to environmental responsibility and compliance with European obligations, demonstrating that the protection of the marine environment is not an ancillary aspect, but a strategic and ethical priority.

4.1.2. Royal Decree 207/2024 (Border and Maritime Police Command of Guardia Civil)

This Royal Decree replaces the previous Royal Decree 1181/2008 and defines the current organisational structure for the Ministry of Internal Affairs, incorporating the Border and Maritime Police Command as one of the four commands of Guardia Civil. This organisational change strengthens the operational capacity of the Corps to manage maritime tasks more efficiently, integrating border control, maritime security and environmental protection functions into a centralised and coordinated structure.

The Border and Maritime Police Command is responsible for supervising and coordinating maritime operations, ensuring compliance with national, European and international regulations. It also facilitates cooperation with other international agencies and organisations, optimising the response to emergencies, transnational threats and illicit activities in the territorial sea.

4.1.3. Law 8/2011 on the Protection of Critical Infrastructures

Although not exclusively focused on the maritime domain, this law assigns Guardia Civil crucial responsibilities in protecting critical infrastructures located in the territorial sea or in the maritime-terrestrial zone. Ports, offshore energy terminals and undersea communications cables are examples of facilities that Guardia Civil must safeguard. Imagine a scenario where an Andalusian port considered critical infrastructure receives

threats of sabotage: Guardia Civil, with this legal basis, can establish security protocols, carry out risk assessments and coordinate integrated responses to incidents, in line with European guidelines on supply chain security and infrastructure protection.

This protection not only guarantees the continuity of essential services (maritime transport, energy supply, communications), but also strengthens Spain's position in the EU context, demonstrating its capacity to contribute to resilience and stability in the common maritime space. In this way, Guardia Civil not only defends national interests, but also reinforces the integrity of the European internal market and mutual trust between Member States.

4.1.4. Organic Law 12/1995, of 12 December 1995, on the Repression of Smuggling

This law gives Guardia Civil legal tools to pursue maritime smuggling, a recurrent threat in certain areas of the territorial sea, such as the Strait of Gibraltar, where tobacco smuggling is a persistent problem. Thanks to this rule, Guardia Civil can board suspicious vessels, inspect their cargo and, if illegal evidence is found, seize and arrest those responsible. A practical example is the detection of speedboats which, under the guise of nautical tourism, bring in undeclared tobacco, generating tax losses and fostering organised crime networks.

The fight against maritime smuggling reinforces the integrity of the EU's external borders, preventing the distortion of markets and financing of other criminal activities. In doing so, Guardia Civil contributes to the effectiveness of European customs policy, integrating its actions into EU strategies against transnational crime and the underground economy.

4.1.5. Law 14/2014 of 24 July 2014 on Maritime Navigation

Although this law does not focus on Guardia Civil, its impact is notable, as it regulates aspects of navigation, maritime jurisdiction and rescue. Under this law, Guardia Civil works closely with Maritime Rescue to assist vessels in distress, fulfilling the fundamental humanitarian principle of helping people in distress at sea. One example is rescuing migrants on drifting boats in waters close to the Canary Islands, where coordinated action between the two bodies saves lives and provides a humanitarian response in line with international and European human rights obligations.

The law also addresses issues of legal competence in maritime matters, clarifying the role of Guardia Civil in investigating crimes that occur in the territorial sea. This becomes important in complex cases, such as the boarding of ships linked to criminal organisations, or the collection of evidence in environmental incidents. This legal certainty facilitates interaction with national judicial bodies and, where appropriate, with European cooperation and extradition mechanisms, completing the circle of legal effectiveness.

4.1.6. Royal Decree 1181/2008, of 11 July, which modifies and develops the basic organic structure of the Ministry of Internal Affairs.

This Royal Decree replaces the repealed Royal Decree 1181/2008 and consolidates the maritime functions of Guardia Civil within the Fiscal and Border Headquarters, unifying criteria and optimising coordination between units. This strengthens the Corps' capacity to manage maritime surveillance, repression of smuggling, irregular immigration by sea and protection of the marine environment in the territorial sea. For example, acting on joint maritime patrols with FRONTEX in the Western Mediterranean demonstrates Guardia Civil's ability to cooperate with other agencies, exchange information and respond quickly to emerging threats.

This organisational dimension reinforces Guardia Civil's position as a reliable and experienced interlocutor in international and European fora. Professionalisation, technical rigour and adaptability to changing scenarios – such as the use of drones to detect clandestine vessels or of artificial intelligence to analyse traffic patterns – consolidate the effectiveness of the Corps in exercising its competences, aligning its capabilities with the standards that the EU and the international community expect from a leading maritime security actor.

In short, the set of rules that form the legal basis of the Guardia Civil's maritime competences provides a solid operational framework. Its correct application, together with the continuous training of personnel, modernisation of resources and collaboration with other national and international institutions, allows Guardia Civil not only to guarantee sovereignty and security in the Spanish territorial sea, but also to contribute to European and global maritime governance. This joint effort translates into greater efficiency, legitimacy and effectiveness in the Corps' actions, projecting an image of authority and professionalism in accordance with the demands of the 21st century and the expectations of citizens, European institutions and the international community.

4.2. SPECIFIC FUNCTIONS OF GUARDIA CIVIL IN THE TERRITORIAL SEA

Guardia Civil, in its commitment to maritime security and protecting the territorial sea, assumes a variety of functions ranging from border control to defence of the marine environment. These competences are exercised under the umbrella of the national legal framework, international obligations deriving from the United Nations Convention on the Law of the Sea (UNCLOS, 1982) and the European Union regulatory acquis (underpinned by the TFEU and various sectoral Directives and Regulations), reflecting the complex and multi-level nature of maritime governance (Churchill & Lowe, 1999; Tanaka, 2019; Rothwell & Stephens, 2016).

The professionalism, versatility and adaptability of Guardia Civil enable it to deal effectively with these changing threats, safeguarding the sovereignty of the State, security of maritime routes, conservation of natural resources and crime prevention (Pastor Ridruejo, 1997; Díez de Velasco, 2004; Casado Raigón, 2010). The functions described below require not only legal, tactical and technical expertise, but also a holistic view that takes into account environmental requirements, organised crime dynamics, migratory pressures and the need to cooperate with other national and international institutions (Markus et al., 2011; European Commission, 2021).

This comprehensive approach, aligned with European maritime surveillance and management policies (Directive 2014/89/EU), strengthens Spain's position as a responsible actor in international maritime governance. Furthermore, cooperation with bodies like FRONTEX, Europol and the International Maritime Organisation (IMO) reinforces the transnational dimension of these functions, ensuring a coherent response to the challenges of the 21st century in the territorial sea. These functions include:

4.2.1. Maritime border surveillance and control

The surveillance and control of maritime borders is one of the most sensitive and demanding missions for Guardia Civil, especially in a context marked by irregular immigration, trafficking of illicit goods and migratory pressure in areas like the Canary Islands (Frontex, 2021). The deployment of maritime patrols, air surveillance and land-based detection systems, such as the IESS (Integrated External Surveillance System), makes it possible to detect vessels at a great distance and to take action in advance, guaranteeing respect for human rights and dignity of the persons rescued.

In 2023, the interception of over 15,000 irregular migrants and the seizure of numerous vessels testify to the effectiveness of this work, which Guardia Civil carries out in coordination with FRONTEX through operations such as “Operation Indalo” in the Western Mediterranean. This international and European cooperation strengthens the security of the EU's external borders, contributing to a joint response to complex migration flows and associated criminal threats (Déléguée à la mer et au littoral, 2019).

4.2.2. Fight against drug trafficking and other forms of organised crime

The fight against drug trafficking and organised crime in the Spanish territorial sea requires operational intelligence, adequate naval means and the capacity to take action on the high seas. Guardia Civil, capitalising on its experience and knowledge of the maritime environment, works on missions to provide information, tracking and boarding of suspicious vessels, disrupting the supply of drugs and counteracting the smuggling of tobacco, weapons or other illegal products (Harrison, 2017; Klein, 2011).

A prominent example is “Operation Gulf-Artabro” in 2023, which culminated in the seizure of 7.5 tonnes of cocaine on a sailing vessel in Atlantic waters. This operation demonstrates the Guardia Civil's ability to execute complex missions on the high seas, coordinate with international agencies and employ advanced surveillance and communications technologies. Action against smuggling in the Strait of Gibraltar, a critical region for illicit trafficking networks, reinforces the importance of maritime control for defending the legal economy, fiscal protection and security of the European internal market (Wakefield, 2016).

4.2.3. Protection of the marine environment

Protecting the marine environment is an essential task, especially in a scenario marked by overfishing, pollution and the impact of climate change on marine ecosystems (Hassan, 2006; Sanz Larruga, 2018). Guardia Civil, through SEPRONA and other units, carries out inspections to detect illegal dumping, unauthorised fishing gear and other practices that are harmful to biodiversity. These actions fall within the framework of

international (UNCLOS, Part XII) and European (Directive 2008/56/EC) obligations for conserving marine biodiversity.

“Operation Poseidon” carried out in 2023, off the coast of Almeria, reflects the Corps' commitment in this area. The detection of illegal fishing in the Cabo de Gata-Níjar Natural Park, imposition of fines and promotion of legal proceedings against offenders confirm the effectiveness of Guardia Civil in defending marine biodiversity. Active monitoring of Marine Protected Areas, such as the Cabrera Archipelago Maritime-Terrestrial National Park, reinforces coherence with EU environmental goals and international conservation obligations (Day et al., 2019).

4.2.4. Navigation safety and fisheries control

Navigation safety and fisheries control are areas where Guardia Civil plays a key role, ensuring legality and respect for technical and environmental standards (Rothwell & Stephens, 2016). In collaboration with the Ministry of Agriculture, Fisheries and Food (MAPA), the Collaboration Agreement for the Control and Inspection of Maritime Fishing Activities strengthens the Corps' capacity to monitor fishing activities, check documentation, safety equipment, quotas and prevent illegal fishing.

During the 2023 bluefin tuna campaign, Guardia Civil carried out over 500 inspections of fishing vessels, ensuring compliance with the quotas established by the EU and respect for minimum sizes and closed seasons. This work, which combines technical, legal and environmental expertise, is a pillar of fisheries management, contributing to the balance between the fisheries sector and long-term sustainability, in line with common fisheries policies and international marine resource management guidelines (FAO, 1995; Wakefield, 2016).

4.2.5. Maritime critical infrastructure protection

The protection of critical maritime infrastructures (ports, offshore platforms, submarine cables) is another essential function. Risk assessment, implementation of security measures and rapid response to threats ensure the continuity of strategic services, energy security and stability of maritime trade (Klein, 2011). The port of Algeciras, for example, considered critical infrastructure due to its strategic importance, has the permanent presence of Guardia Civil, regular patrols and coordination with the port authorities, anticipating incidents and neutralising possible attacks or sabotage.

In an environment of increasing technological complexity, these infrastructures can be targeted by cyber-attacks or hybrid threats. By integrating physical protection with cybersecurity strategies, Guardia Civil reinforces the resilience of the logistics chain and the reliability of maritime transport, meeting European and international expectations in terms of critical infrastructure security (Regulation (EU) 2019/1896).

4.2.6. Combating maritime terrorism

Although Spain has not experienced any significant maritime terrorist incidents, Guardia Civil maintains a high level of vigilance and collaborates with national and international intelligence agencies to prevent any threats. Participation in international maritime counter-terrorism exercises, exchange of information and implementation of the

International Ship and Port Facility Security Code (ISPS Code, IMO), make it possible to anticipate risks and maintain alertness.

Guardia Civil can, for example, deploy specialised units to inspect suspicious vessels or reinforce security in strategic ports, acting in line with European and international port security standards. These preventive actions increase the capacity to respond to crisis scenarios and consolidate the Corps' role as a guarantor of maritime security and international order.

4.2.7. Support for marine scientific research and safeguarding of underwater cultural heritage

Guardia Civil also collaborates with scientific institutions and universities in oceanographic research missions, promoting scientific knowledge, conservation of marine resources and early detection of invasive species. This work reinforces European and global strategies for sustainable management of the seas, aligning with EU targets and international conventions like the Convention on Biological Diversity.

In addition, the Corps protects underwater archaeological sites and shipwrecks of historical value, preventing the looting and deterioration of underwater cultural heritage (UNESCO, 2001). The experience of the UTF in diving and underwater techniques, combined with the national and international legal framework, facilitates the defence of submerged cultural heritage. Although the example of the galleon San José occurred off the coast of Colombia, it shows the capacity of Guardia Civil to operate in comparable missions in Spanish waters, safeguarding national maritime history and identity.

These multiple functions, based on continuous training, use of advanced technologies (drones, artificial intelligence, surveillance systems) and cooperation with national and international entities, demonstrate the Guardia Civil's versatility and professionalism in the maritime environment. Its work, constantly adapting to the challenges of the present and the future, consolidates Spain's position as a Coastal State committed to security, sustainability, defence of the common heritage and full respect for the international and European rules governing life in the oceans.

4.3. THE GUARDIA CIVIL'S MEANS AND CAPABILITIES IN THE MARITIME FIELD

In order to effectively address the multiple functions it performs in the territorial sea, Guardia Civil has developed a set of highly specialised resources and capabilities, aligned with the requirements of international law, EU rules and national legislation. These assets range from highly autonomous ocean-going vessels to advanced coastal surveillance systems, elite underwater units, operational coordination centres and air assets (Harrison, 2017; Rothwell & Stephens, 2016). It aims to provide flexible, effective and proportionate responses to contemporary threats, including drug trafficking, irregular immigration, illegal fishing, marine pollution, maritime terrorism and sabotage to critical infrastructure.

The continuous modernisation of material and technological means, together with specialised training of personnel, guarantees the efficiency of maritime operations. This constant adaptation, based on operational experience, risk analysis and cooperation with

other national and international institutions (Maritime Rescue, FRONTEX, Europol, IMO), strengthens the resilience of Guardia Civil in the face of increasingly complex scenarios. The Corps is thus in a position to anticipate threats, implement existing international and European standards (UNCLOS, TFEU, Directives on fisheries, environment and port security), and contribute to global maritime governance (Tanaka, 2019; European Commission, 2021).

4.3.1. Maritime fleet

Guardia Civil has a diverse fleet that includes offshore patrol boats, medium patrol boats and semi-rigid vessels, designed for different types of missions and maritime conditions. In 2023, Guardia Civil had:

4.3.1.1. Ocean-going vessels: One of these is the “Río Segura”, which was commissioned in 2008 and delivered in 2010, based in Las Palmas de Gran Canaria. This vessel is 73 metres long and is capable of prolonged missions on the high seas. In addition, Guardia Civil is in the process of acquiring a new ocean-going vessel to replace the “Río Miño”, an older vessel that has outlived its useful life. This new ship, the Duque de Ahumada, whose construction has been authorised by the Council of Ministers with a budget of 35 million euros, is designed to improve the logistical and operational capabilities of SEMAR (the Maritime Service). It will be between 75 and 85 metres long, have a crew capacity of up to 75 people, and will be able to stay at sea for 20 to 30 days.

The incorporation of the Duque de Ahumada significantly strengthens SEMAR's operational capacity, enabling more effective control of strategic maritime routes and a more agile response to emerging threats in the Spanish territorial sea. This vessel represents a key investment for modernisation and improved efficiency of Guardia Civil, in line with the security, sustainability and environmental protection objectives established by Spain and the European Union.

4.3.1.2. Deep-sea patrol vessels: These highly autonomous vessels are capable of operating on the high seas and in adverse weather conditions. They are equipped with advanced navigation and communications technology, enabling them to perform long-duration missions and provide logistical support in complex operations.

4.3.1.3. Medium patrol boats: These are versatile vessels used primarily for coastal patrol and territorial sea operations. Their size and characteristics allow them greater manoeuvrability in shallow water and rapid response to near-shore incidents.

4.3.1.4. High-speed patrol vessels: These rapid units are essential for immediate interventions and pursuits. Their speed and agility make them ideal for intercepting suspicious vessels in operations against drug trafficking and irregular immigration.

This diversification of means guarantees adaptability to weather conditions and the geographical extent of the territorial sea, ensuring that Guardia Civil can respond accurately and effectively to different threats (García Pérez, 2017; Suárez de Vivero & Rodríguez Mateos, 2016).

4.3.2. Integrated External Surveillance System (IESS)

IESS integrates high-resolution radars, thermal cameras, night vision devices, coastal sensor stations and a control centre capable of processing data in real time. This system, which can be considered a comprehensive maritime intelligence network, allows 24-hour traffic monitoring, long-range vessel detection, anomalous behaviour and anticipation of potential threats (Hassan, 2006; Markus et al., 2011). In 2023, off the coast of Almeria, IESS located a boat linked to drug trafficking over 30 km away, enabling a joint operation with land, sea and air units, culminating in more than 2 tonnes of hashish being seized.

The usefulness of the IESS goes beyond the fight against drug trafficking: it is essential for managing migratory flows, detecting poaching, controlling traffic near critical infrastructures and increasing operational efficiency in environmental protection and port security (ISPS Code, IMO). The combination of sensors and predictive analysis through artificial intelligence allows optimising resources, reducing reaction time and reinforcing the position of Guardia Civil as a key player in European maritime security (Frontex, 2021).

4.3.3. Specialised staff

Specialised training of personnel ensures that Guardia Civil has officers trained to operate in complex maritime environments. These officers receive training in international maritime law, boarding techniques, fishing inspections, rescue, salvage and professional diving (Casado Raigón, 2010). This diversity of skills allows them to adapt to offshore or coastal water scenarios, backed by sound technical and legal knowledge.

The Underwater Task Force (UTF) exemplifies this specialisation. Its rigorously trained members can carry out underwater missions that require advanced skills, such as the recovery of submerged evidence in criminal investigations, rescue of shipwreck victims or inspection of wrecks with high heritage value. The recovery of a submerged cocaine cache off the coast of Galicia in 2023 illustrates the expertise of the UTF, adding professional diving skills, knowledge of the marine environment and tactical coordination to the Guardia Civil's operational effectiveness (UNESCO, 2001).

4.3.4. Coordination Centre for Maritime Coastal and Border Surveillance (CECORVIGMAR)

CECORVIGMAR is the nerve centre of maritime operations, integrating advanced communication systems, crisis management and analysis of information from multiple sources (IESS, air assets, intelligence data, international reports). This global perspective allows for informed decision-making and coordination of complex responses with various operational units, other EU Member States, and sometimes international bodies.

“Operation Neptune” carried out in 2023, targeting a human trafficking network in the Western Mediterranean, is a telling example. CECORVIGMAR's ability to process information in real time, allocate resources and monitor the evolution of the operation proved decisive to its success, reinforcing the Guardia Civil's international credibility and its ability to cooperate with European partners (European Commission, 2021).

4.3.5. Air assets

Air assets (aircraft, helicopters, drones) extend the Corps' range, detection capability and versatility in the territorial sea (Rothwell & Stephens, 2016). Long-endurance maritime surveillance aircraft can locate illicit activities over 100 nautical miles away, track suspicious vessels for hours and coordinate their interception with maritime units. A paradigmatic case is the March 2024 mission, in which a CN235-300 MP Persuader detected a shipment of more than 3 tonnes of hashish after locating a vessel at a great distance.

The helicopters, equipped with night vision systems and thermal cameras, are crucial in search and rescue operations, as well as in the pursuit of smugglers' speedboats. Drones provide unobtrusive surveillance in inaccessible coastal areas, tracking of targets without alerting criminals, and support for environmental protection missions. These aircraft, combined with other assets, provide a comprehensive response capability, adapted to the diversity of scenarios in the territorial sea.

The integration of this maritime fleet, the IESS, specialised personnel, the CECORVIGMAR and air assets gives Guardia Civil an exceptional operational capacity, ready to face present and future challenges in the territorial sea. This adaptation, based on experience, technological innovation and continuous training, guarantees the effectiveness of interventions, protection of the marine environment, control of illegal activities and safety of people, contributing to stability, legality and well-being in the maritime sphere in Spain and the European Union.

5. CONCLUSIONS

How the Coastal State's competences are exercised in the Spanish territorial sea is currently at a turning point marked by the complexity and interdependence of the threats affecting maritime security and the marine environment. The United Nations Convention on the Law of the Sea (UNCLOS, 1982), the normative acquis of the European Union (underpinned by the TFEU and integrated policies, such as the Integrated Maritime Policy and the Common Fisheries Policy), as well as national legislation (Spanish Constitution, Law 10/1977, Law 22/1988, Law 14/2014, among others), provide a robust legal framework. This framework, however, must constantly evolve and adapt in the face of emerging challenges, such as climate change, new forms of organised crime, overexploitation of resources and cyber threats (Harrison, 2017; Tanaka, 2019).

Spain has demonstrated a remarkable capacity for adapting and committing to international and European standards, reinforcing its position as a responsible Coastal State. Guardia Civil, a central figure for implementing maritime security policy, is a key player in protecting sovereignty, security, the environment and the economy of the territorial sea. Its versatility, professionalism and responsiveness enable it to assume a leading role, integrating operational experience with continuous training, technological modernisation and collaboration with other national and international organisations (Frontex, Europol, IMO, UNESCO).

However, future challenges will require a proactive and flexible attitude. Technological progress – with the proliferation of drones, autonomous systems and artificial intelligence applied to maritime surveillance – will require a permanent update

to means and procedures. Climate change – reflected in rising sea levels, ocean acidification and altered fishery migrations – will make it necessary for conservation and sustainable management strategies to be reviewed. New security threats, from maritime terrorism to cyber-piracy against navigation systems, will require innovative capabilities, preventive protocols and strengthened partnerships between states and international agencies.

Ultimately, whether state competences are successfully exercised in the territorial sea will depend on the ability to foster international cooperation, harmonise national policies with European and international guidelines, and continuously adapt legal and institutional frameworks to emerging realities in the maritime domain. Guardia Civil, as the main body responsible for security in the Spanish territorial sea, should lead these efforts, ensuring compliance with international obligations, protection of national interests and safeguarding of the marine environment. In this way, Spain will consolidate its role as a Coastal State committed to sustainable maritime governance, regional stability and global ocean security.

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