



ΕΠΙΣΗΜΗ ΕΦΗΜΕΡΙΔΑ

ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ

ΝΟΜΟΘΕΣΙΑ - ΜΕΡΟΣ ΙΙΙ

Αριθμός 4252	Δευτέρα, 17 Δεκεμβρίου 2018	2131
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Ο περί της Σύμβασης της Μινάματα για τον Υδράργυρο (Κυρωτικός) Νόμος του 2018 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 19(III) του 2018

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΒΑΣΗ ΤΗΣ ΜΙΝΑΜΑΤΑ ΓΙΑ ΤΟΝ ΥΔΡΑΡΓΥΡΟ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

- Συνοπτικός τίτλος.** 1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Σύμβασης της Μινάματα για τον Υδράργυρο (Κυρωτικός) Νόμος του 2018.
- Ερμηνεία.** 2. Στον παρόντα Νόμο, εκτός εάν από το κείμενο προκύπτει διαφορετική έννοια -
- «Σύμβαση» σημαίνει τη Σύμβαση της Μινάματα για τον Υδράργυρο, η οποία έγινε στη Γενεύη της Ελβετίας τον Ιανουάριο του 2013 και η προσχώρηση στην οποία εγκρίθηκε με την Απόφαση του Υπουργικού Συμβουλίου Αρ. 77.339, ημερομηνίας 30 Ιουλίου 2014.
- Κύρωση της Σύμβασης. Πίνακας. Μέρος Ι. Μέρος ΙΙ.** 3. Με τον παρόντα Νόμο, κυρώνεται η Σύμβαση, της οποίας το κείμενο στο αγγλικό πρωτότυπο παρουσιάζεται στο Μέρος Ι του Πίνακα και σε ελληνική μετάφραση στο Μέρος ΙΙ αυτού:
- Νοείται ότι, σε περίπτωση διαφοράς μεταξύ του κειμένου του Μέρους Ι και εκείνου του Μέρους ΙΙ του Πίνακα, θα υπερισχύσει το κείμενο που εκτίθεται στο Μέρος Ι του Πίνακα αυτού.
- Αρμόδια Αρχή.** 4. Αρμόδια Αρχή για την εφαρμογή των διατάξεων του παρόντος Νόμου και των δυνάμει αυτού εκδιδόμενων Κανονισμών, είναι ο Υπουργός Γεωργίας, Αγροτικής Ανάπτυξης και Περιβάλλοντος ή ο Διευθυντής του Τμήματος Περιβάλλοντος εκ μέρους του Υπουργού Γεωργίας, Αγροτικής Ανάπτυξης και Περιβάλλοντος, δεόντως εξουσιοδοτημένος προς τούτο από τον Υπουργό.
- Κανονισμοί.** 5.-(1) Το Υπουργικό Συμβούλιο μπορεί να εκδίδει Κανονισμούς για την καλύτερη εφαρμογή των διατάξεων του παρόντος Νόμου και για τη ρύθμιση οποιουδήποτε θέματος προβλέπεται στη Σύμβαση, το οποίο χρήζει ή είναι δεκτικό ρύθμισης.
- (2) Ειδικότερα και χωρίς επηρεασμό της γενικότητας του εδαφίου (1), οι Κανονισμοί αυτοί μπορούν να προβλέπουν για τη θέσπιση ποινικών αδικημάτων για παράβαση των διατάξεών τους, αναφορικά με τα οποία, σε περίπτωση καταδίκης, δύνανται να επιβληθεί ποινή φυλάκισης που δεν υπερβαίνει τα δύο (2) έτη ή χρηματική ποινή που δεν υπερβαίνει τα 30 000 Ευρώ ή και οι δύο αυτές ποινές.

ΠΙΝΑΚΑΣ
(Άρθρο 3)

ΜΕΡΟΣ Ι

Minamata Convention on Mercury

The Parties to this Convention,

Recognizing that mercury is a chemical of global concern owing to its long-range atmospheric transport, its persistence in the environment once anthropogenically introduced, its ability to bioaccumulate in ecosystems and its significant negative effects on human health and the environment,

Recalling decision 25/5 of 20 February 2009 of the Governing Council of the United Nations Environment Programme to initiate international action to manage mercury in an efficient, effective and coherent manner,

Recalling paragraph 221 of the outcome document of the United Nations Conference on Sustainable Development “The future we want”, which called for a successful outcome of the negotiations on a global legally binding instrument on mercury to address the risks to human health and the environment,

Recalling the United Nations Conference on Sustainable Development’s reaffirmation of the principles of the Rio Declaration on Environment and Development, including, *inter alia*, common but differentiated responsibilities, and acknowledging States’ respective circumstances and capabilities and the need for global action,

Aware of the health concerns, especially in developing countries, resulting from exposure to mercury of vulnerable populations, especially women, children, and, through them, future generations,

Noting the particular vulnerabilities of Arctic ecosystems and indigenous communities because of the biomagnification of mercury and contamination of traditional foods, and concerned about indigenous communities more generally with respect to the effects of mercury,

Recognizing the substantial lessons of Minamata Disease, in particular the serious health and environmental effects resulting from the mercury pollution, and the need to ensure proper management of mercury and the prevention of such events in the future,

Stressing the importance of financial, technical, technological, and capacity-building support, particularly for developing countries, and countries with economies in transition, in order to strengthen national capabilities for the management of mercury and to promote the effective implementation of the Convention,

Recognizing also the activities of the World Health Organization in the protection of human health related to mercury and the roles of relevant multilateral environmental agreements, especially the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

Recognizing that this Convention and other international agreements in the field of the environment and trade are mutually supportive,

Emphasizing that nothing in this Convention is intended to affect the rights and obligations of any Party deriving from any existing international agreement,

Understanding that the above recital is not intended to create a hierarchy between this Convention and other international instruments,

Noting that nothing in this Convention prevents a Party from taking additional domestic measures consistent with the provisions of this Convention in an effort to protect human health and the environment from exposure to mercury in accordance with that Party's other obligations under applicable international law,

Have agreed as follows:

Article 1

Objective

The objective of this Convention is to protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.

Article 2

Definitions

For the purposes of this Convention:

- (a) “Artisanal and small-scale gold mining” means gold mining conducted by individual miners or small enterprises with limited capital investment and production;
- (b) “Best available techniques” means those techniques that are the most effective to prevent and, where that is not practicable, to reduce emissions and releases of mercury to air, water and land and the impact of such emissions and releases on the environment as a whole, taking into account economic and technical considerations for a given Party or a given facility within the territory of that Party. In this context:
 - (i) “Best” means most effective in achieving a high general level of protection of the environment as a whole;
 - (ii) “Available” techniques means, in respect of a given Party and a given facility within the territory of that Party, those techniques developed on a scale that allows implementation in a relevant industrial sector under economically and technically viable conditions, taking into consideration the costs and benefits, whether or not those techniques are used or developed within the territory of that Party, provided that they are accessible to the operator of the facility as determined by that Party; and
 - (iii) “Techniques” means technologies used, operational practices and the ways in which installations are designed, built, maintained, operated and decommissioned.
- (c) “Best environmental practices” means the application of the most appropriate combination of environmental control measures and strategies;
- (d) “Mercury” means elemental mercury (Hg(0), CAS No. 7439-97-6);
- (e) “Mercury compound” means any substance consisting of atoms of mercury and one or more atoms of other chemical elements that can be separated into different components only by chemical reactions;
- (f) “Mercury-added product” means a product or product component that contains mercury or a mercury compound that was intentionally added;
- (g) “Party” means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force;

- (h) “Parties present and voting” means Parties present and casting an affirmative or negative vote at a meeting of the Parties;
- (i) “Primary mercury mining” means mining in which the principal material sought is mercury;
- (j) “Regional economic integration organization” means an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention; and
- (k) “Use allowed” means any use by a Party of mercury or mercury compounds consistent with this Convention, including, but not limited to, uses consistent with Articles 3, 4, 5, 6 and 7.

Article 3

Mercury supply sources and trade

1. For the purposes of this Article:

- (a) References to “mercury” include mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 per cent by weight; and
- (b) “Mercury compounds” means mercury (I) chloride (known also as calomel), mercury (II) oxide, mercury (II) sulphate, mercury (II) nitrate, cinnabar and mercury sulphide.

2. The provisions of this Article shall not apply to:

- (a) Quantities of mercury or mercury compounds to be used for laboratory-scale research or as a reference standard; or
- (b) Naturally occurring trace quantities of mercury or mercury compounds present in such products as non-mercury metals, ores, or mineral products, including coal, or products derived from these materials, and unintentional trace quantities in chemical products; or
- (c) Mercury-added products.