



ΕΠΙΣΗΜΗ ΕΦΗΜΕΡΙΔΑ ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ

ΝΟΜΟΘΕΣΙΑ - ΜΕΡΟΣ ΙΙΙ

Αριθμός 4268	Δευτέρα, 17 Αυγούστου 2020	205
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Ο περί της Συμφωνίας για τη Φιλοξενία των Επιχειρησιακών Γραφείων της Ευρωπαϊκής Υπηρεσίας Υποστήριξης για το Άσυλο στην Κυπριακή Δημοκρατία (Κυρωτικός) Νόμος του 2020 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 7(III) του 2020

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΦΩΝΙΑ ΓΙΑ ΤΗ ΦΙΛΟΞΕΝΙΑ ΤΩΝ ΕΠΙΧΕΙΡΗΣΙΑΚΩΝ ΓΡΑΦΕΙΩΝ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΥΠΗΡΕΣΙΑΣ ΥΠΟΣΤΗΡΙΞΗΣ ΓΙΑ ΤΟ ΑΣΥΛΟ ΣΤΗΝ ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

Συνοπτικός
τίτλος.

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Συμφωνίας για τη Φιλοξενία των Επιχειρησιακών Γραφείων της Ευρωπαϊκής Υπηρεσίας Υποστήριξης για το Άσυλο στην Κυπριακή Δημοκρατία (Κυρωτικός) Νόμος του 2020.

Ερμηνεία.

2. Στον παρόντα Νόμο, «Συμφωνία» σημαίνει τη Συμφωνία για τη Φιλοξενία των Επιχειρησιακών Γραφείων της Ευρωπαϊκής Υπηρεσίας Υποστήριξης για το Άσυλο στην Κυπριακή Δημοκρατία, μεταξύ της Κυπριακής Δημοκρατίας και της Ευρωπαϊκής Υπηρεσίας Υποστήριξης για το Άσυλο.

Κύρωση της
Συμφωνίας.

3.-(1) Με τον παρόντα Νόμο, κυρώνεται η Συμφωνία, την οποία η Κυβέρνηση της Κυπριακής Δημοκρατίας υπέγραψε και η οποία εγκρίθηκε με τον αρ. 88.953 και ημερομηνία 18 Φεβρουαρίου 2020, απόφαση του Υπουργικού Συμβουλίου.

Πίνακας.
Μέρος Ι.
Μέρος ΙΙ.

(2) Το κείμενο της Συμφωνίας στο αγγλικό πρωτότυπο εκτίθεται στο Μέρος Ι του Πίνακα και σε ελληνική μετάφραση στο Μέρος ΙΙ του Πίνακα:

Νοείται ότι, σε περίπτωση διαφοράς μεταξύ του κειμένου του Μέρους Ι του Πίνακα και του κειμένου του Μέρους ΙΙ του Πίνακα, υπερισχύει το κείμενο του Μέρους Ι του Πίνακα.

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The Government of the Republic of Cyprus, hereinafter referred to as 'Cyprus', and the European Asylum Support Office, hereinafter referred to as 'EASO' or 'the Agency';

HAVING REGARD to the Treaty on the European Union, in particular Protocol No 7 on the Privileges and Immunities of the European Union annexed to the Treaty on the European Union (hereinafter 'the Protocol'), the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community;

HAVING REGARD to Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing the European Asylum Support Office (hereinafter referred to as the 'EASO Founding Regulation');

HAVING REGARD to the Management Board Decision No 31 of 22/09/2016 'setting up EASO operational offices and conditions of staff outside Headquarters', providing the EASO Executive Director the mandate to conclude hosting arrangements with each of the Member States hosting EASO Operational Offices;

WHEREAS Cyprus has requested the Agency for deployment of Asylum Support Teams as per Article 13 of the EASO Founding Regulation;

WHEREAS Cyprus and the Agency concluded a Special Support Plan in June 2014, as per Article 18 of the EASO Founding Regulation, setting out in detail the conditions for deployment of the Asylum Support Teams, and was extended via amendments concluded in 2015, 2016 and 2017. In December 2017 EASO and Cyprus signed a new agreement extending the Special Support Plan until 31 January 2019, with additional amendments to its tasks. In December 2018, EASO and Cyprus signed an Operational and Technical

Assistance Plan, valid until 31 December 2019 (hereinafter referred to as the 'Operating Plan');

WHEREAS for the purpose of implementing the Operating Plan and deployment of the Asylum Support Teams, EASO Operational Offices should be set up for the duration of the deployment;

WHEREAS as per Article 20 of the EASO Founding Regulation the Union Contact Point shall act on behalf of the Agency in all aspects of the deployment of the Asylum Support Teams, and in particular in relation to those acts outlined in its Paragraph 2;

WHEREAS Article 38 of the EASO Founding Regulation provides that the Staff Regulations of Officials ('SR') and the Conditions of Employment of Other Servants of the European Union ('CEOS') laid down by the Regulation (EEC, EURATOM, ECSC) No 259/1968, and the rules adopted jointly by the institutions of the European Union for the purposes of the application of those Staff Regulations and Conditions of Employment, shall apply to the staff of the Agency;

WHEREAS Article 39 of the EASO Founding Regulation provides that Protocol (No 7) on the privileges and immunities of the European Union (hereinafter referred to as 'Protocol') shall apply to the Agency and to its staff;

WHEREAS further administrative provisions must be agreed for the implementation of the Protocol, in particular to lay down conditions concerning the privileges, immunities, facilities, and services of and related to the Agency and its staff in the territory of Cyprus as necessary for the fulfilment of the purposes of the EASO Operational Offices;

INTENDING to take all necessary steps to guarantee the best legal and material conditions for installing and running the EASO Operational Offices in Cyprus;

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

Article 1**Definitions**

- a) 'Agreement' means this Agreement between Cyprus and the European Asylum Support Office on the hosting of the EASO Operational Offices and any future amendments to the Agreement;
- b) 'host State' means Cyprus where the EASO Operational Offices will be located;
- c) 'the Agency' means the European Asylum Support Office established by Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010;
- d) 'the EASO Operational Offices' mean the offices established for the purpose of implementation of the Operating Plan and deployment of the Asylum Support Teams, including a head office and one or more sub-offices. The EASO Operational Offices form an integral part of the EASO organisational structure, where the head office is subordinated directly to the EASO Headquarters with its seat in Malta, and the sub-offices are sub-ordinated directly to the head office;
- e) 'Operating Plan' means the current and successive Operating Plans, Special Support Plans, or Operational and Technical Assistance Plans, concluded with the host State as per Article 18 of the EASO Founding Regulation, setting out in detail the conditions for deployment of the Asylum Support Teams in the host State;
- f) 'Staff Regulations and the CEOS' means the Staff Regulations of Officials of the European Union and the Conditions of Employment of the Other Servants of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68;
- g) 'Parties' means the Agency and the host State;
- h) 'Vienna Convention' means the Vienna Convention on Diplomatic Relations of 18 April 1961;
- i) 'Head of the Agency' means the Executive Director of the Agency;
- j) 'Union Contact Point' means the person designated by the Head of the Agency for coordination purposes and to act on behalf of the Agency in all aspects of the deployment of Asylum Support Teams, and in particular in relation to the matters outlined in Article 20(2) of the EASO Founding Regulation;
- k) 'Asylum Support Team' means the team deployed in the territory of Cyprus for a limited time on the basis of an Operating Plan as referred to in Article 18 of the EASO Founding Regulation, and may be composed of: Member States experts; Associate Countries experts; EASO staff members; seconded national experts; and experts on contract.
- l) 'Member States expert' means the expert made available for the Asylum Support Team by an EU Member State via a national expert pool on the basis of defined profiles, as per Article 15 of the EASO Founding Regulation;

- m) 'Associate Countries expert' means the expert made available for the Asylum Support Team by an associate country, as referred to in Article 49 of the EASO Founding Regulation, with which the European Union has an arrangement in place on the modalities of its participation in the European Asylum Support Office. Currently such arrangements have been concluded with the Kingdom of Norway, Principality of Liechtenstein, the Swiss Confederation, and the Republic of Iceland.
- n) 'EASO staff' or 'EASO staff member' means personnel employed by the Agency, subject to the Staff Regulations and the CEOS, including the Union Contact Point;
- o) 'seconded national experts' means personnel employed by an EU/associate country national, regional or local public administration or a public intergovernmental organisation and seconded to the Agency, providing support to the EASO Operational Offices;
- p) 'expert on contract' means the individual providing services in relation to the operating plan, within the context of a public contract concluded between the Agency and the legal entity with which the individual has an employment and/or contractual relationship;
- q) 'members of the household' means:
- (i) a spouse of an EASO staff member, irrespective of his/her nationality and/or sex;
 - (ii) a stable non-marital partner of an EASO staff member, under the conditions laid down in Article 1(2)(c) of Annex VII to the Staff Regulations and the CEOS, irrespective of his/her nationality and/or sex;
 - (iii) any dependent child as defined in Article 2(2) of Annex VII to the Staff Regulations and the CEOS;
 - (iv) any person whom a staff member has a legal responsibility to maintain and whose maintenance involves heavy expenditure under the conditions set out in Article 2(4) of Annex VII to the Staff Regulations and the CEOS;
- r) 'premises' means buildings, parts of buildings and areas, including installations and facilities of the EASO Operational Offices made available to, maintained, occupied or used by the Agency in the host State in connection with its functions and purposes;
- s) 'property' means all property (be it material, real, or intellectual), assets, and funds belonging to the Agency or held, administered or otherwise used by the EASO Operational Offices in connection with its functions and purposes;
- t) 'Ministry of Interior' means the Ministry of Interior of the host State;
- u) 'Ministry of Foreign Affairs' means the Ministry of Foreign Affairs of the host State;
- v) 'competent authorities' means national, provincial, municipal and other official authorities under the laws, regulations and customs of the host State;