



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟΝ

ΤΗΣ ΕΠΙΣΗΜΟΥ ΕΦΗΜΕΡΙΔΟΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ύπ' Άρ. 1045 τής 12ης ΟΚΤΩΒΡΙΟΥ 1973

ΝΟΜΟΘΕΣΙΑ

Ο περι Πρωτοκόλλου Τροποποιούντος την Ένιαίαν Σύμβασιν περι Ναρκωτικών (Κυρωτικός) Νόμος του 1973 εκδίδεται διά δημοσιεύσεως εις την επίσημον έφημερίδα τής Δημοκρατίας συμφώνως τῷ Άρθρῳ 52 του Συντάγματος.

Άριθμός 72 του 1973

ΝΟΜΟΣ ΚΥΡΩΝ ΤΟ ΠΡΩΤΟΚΟΛΛΟΝ ΤΟ ΤΡΟΠΟΠΟΙΟΥΝ ΤΗΝ ΕΝΙΑΙΑΝ ΣΥΜΒΑΣΙΝ ΕΠΙ ΤΩΝ ΝΑΡΚΩΤΙΚΩΝ ΤΟΥ 1961

Έπειδή η Ένιαία Σύμβασις επί τῶν Ναρκωτικῶν τής 30ῆς Μαρτίου 1961, έκυρώθη υπό του Νόμου 7 του 1969 : Προσίμιον.

Καί έπειδή έγένετο έν Γενεύη τήν 25ην Μαρτίου 1972, τό Πρωτόκολλον τό Τροποποιούν τήν έν λόγω Σύμβασιν :

Καί έπειδή δι' αποφάσεως ύπ' άρ. 11.818 καί ήμερομηνίαν 2 Νοεμβρίου 1972, τό Έγυργικόν Συμβούλιον ένέκρινε τήν εις τό Πρωτόκολλον προσχώρησιν τής Δημοκρατίας :

Διά ταύτα, ή Βουλή τῶν Άντιπροσώπων ψηφίζει ώς άκολουθως :

1. Ο παρών Νόμος θά αναφέρηται ώς ό περι Πρωτοκόλλου Τροποποιούντος τήν Ένιαίαν Σύμβασιν περι Ναρκωτικῶν (Κυρωτικός) Νόμος του 1973 καί θά αναγινώσκηται όμοϋ μετά του περι Ένιαίας Συμβάσεως περι Ναρκωτικῶν (Κυρωτικού) Νόμου του 1969. Συνεπτικός τίτλος.
7 του 1969.

2.—(1) Έν τῷ παρόντι Νόμῳ, έκτός εάν έκ του κειμένου προκύπτη αντίθετος έννοια— Έρμηνεία.

«Πρωτόκολλον» σημαίνει τό Πρωτόκολλον τό Τροποποιούν τήν Ένιαίαν Σύμβασιν περι Ναρκωτικῶν του 1961 τό γενόμενον έν Γενεύη τήν 25ην Μαρτίου 1972.

(2) Όροι έν τῷ παρόντι Νόμῳ μη άλλως όριζόμενοι θά έχωσι τήν εις τόν περι Ένιαίας Συμβάσεως περι Ναρκωτικῶν (Κυρωτικῶν) Νόμον του 1969 άποδιδομένην εις αὐτούς έννοιαν. 7 του 1969.

3. Τό Πρωτόκολλον, τό κείμενον του όποίου εκτίθεται εις τόν Πίνακα (εις τήν Άγγλικήν γλώσσαν έν πρωτοτύπῳ καί εις τήν Έλληνικήν έν μεταφράσει), καί ή εις αὐτό προσχώρησις τής Κυπριακής Δημοκρατίας, διά του παρόντος Νόμου κυροϋνται. Κύρωσις Πρωτοκόλλου. Πίναξ.

ΠΙΝΑΞ

("Αρθρον 3)

ΠΡΩΤΟΝ ΜΕΡΟΣ

PROTOCOL AMENDING THE SINGLE CONVENTION
ON NARCOTIC DRUGS, 1961

PREAMBLE

The Parties to the present Protocol,

Considering the provisions of the Single Convention on Narcotic Drugs, 1961, done at New York on 30 March 1961 (hereinafter called the Single Convention),

Desiring to amend the Single Convention,

Have agreed as follows :

Article 1

Amendments to article 2, paragraphs 4, 6 and 7 of the Single Convention.

Article 2, paragraphs 4, 6 and 7 of the Single Convention shall be amended to read as follows :

4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II except that article 31, paragraphs 1 (b) and 3 to 15 and, as regards their acquisition and retail distribution, article 34, paragraph (b), need not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.

6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of article 19, paragraph 1, sub-paragraph (f), and of articles 21 bis, 23 and 24, the coca leaf to those of articles 26 and 27 and cannabis to those of article 28.

7. The opium poppy, the coca bush, the cannabis plant, poppy straw and cannabis leaves are subject to the control measures prescribed in article 19, paragraph 1, sub-paragraph (e), article 20, paragraph 1, sub-paragraph (g), article 21 bis and in articles 22 to 24 ; 22, 26 and 27 ; 22 and 28 ; 25 ; and 28, respectively.

Article 2

Amendments to the title of article 9 of the Single Convention and its paragraph 1 and insertion of new paragraphs 4 and 5.

The title of article 9 of the Single Convention shall be amended to read as follows :

COMPOSITION AND FUNCTIONS OF THE BOARD

Article 9, paragraph 1 of the Single Convention shall be amended to read as follows :

1. The Board shall consist of thirteen members to be elected by the Council as follows :

(a) Three members with medical, pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization ; and

(b) Ten members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations.

The following new paragraphs shall be inserted after paragraph 3 of article 9 of the Single Convention :

4. The Board, in co-operation with Governments, and subject to the terms of this Convention, shall endeavour to limit the cultivation, production, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes and to prevent illicit cultivation, production and manufacture of, and illicit trafficking in and use of, drugs.

5. All measures taken by the Board under this Convention shall be those most consistent with the intent to further the co-operation of Governments with the Board and to provide the mechanism for a continuing dialogue between Governments and the Board which will lend assistance to and facilitate effective national action to attain the aims of this Convention.

Article 3

Amendments to article 10, paragraphs 1 and 4 of the Single Convention

Article 10, paragraphs 1 and 4 of the Single Convention shall be amended to read as follows :

1. The members of the Board shall serve for a period of five years, and may be re-elected.

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfil the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of nine members of the Board.

Article 4

Amendment to article 11, paragraph 3 of the Single Convention

Article 11, paragraph 3 of the Single Convention shall be amended to read as follows :

3. The quorum necessary as meetings of the Board shall consist of eight members.

Article 5

Amendment to article 12, paragraph 5 of the Single Convention

Article 12, paragraph 5 of the Single Convention shall be amended to read as follows :

5. The Board, with a view to limiting the use and distribution of drugs to an adequate amount required for medical and scientific purposes and to ensuring their availability for such purposes, shall as expeditiously as possible confirm the estimates, including supplementary estimates, or with the consent of the Government concerned, may amend such estimates. In case of a disagreement between the Government and the Board, the latter shall have the right to establish, communicate and publish its own estimates, including supplementary estimates.

Article 6

Amendments to article 14, paragraphs 1 and 2 of the Single Convention

Article 14, paragraphs 1 and 2 of the Single Convention shall be amended to read as follows :

1.—(a) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs or by specialized agencies or, provided that they are approved by the Commission on the Board's recommendation, by either other intergovernmental organizations or international non-governmental organizations which have direct competence in the subject matter and which are in

consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations or which enjoy a similar status by special agreement with the Council, the Board has objective reasons to believe that the aims of this Convention are being seriously endangered by reason of the failure of any Party, country or territory to carry out the provisions of this Convention, the Board shall have the right to propose to the Government concerned the opening of consultations or to request it to furnish explanations. If, without any failure in implementing the provisions of the Convention, a Party or a country or territory has become, or if there exists evidence of a serious risk that it may become an important centre of illicit cultivation, production or manufacture of, or traffic on or consumption of drugs, the Board has the right to propose to the Government concerned the opening of consultations. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (d) below, the Board shall treat as confidential a request for information and an explanation by a Government or a proposal for consultations and the consultations held with a Government under this sub-paragraph.

(b) After taking action under sub-paragraph (a) above, the Board if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) The Board, may if it thinks such action necessary for the purpose of assessing a matter referred to in sub-paragraph (a) of this paragraph, propose to the Government concerned that a study of the matter be carried out in its territory by such means as the Government deems appropriate. If the Government concerned decides to undertake this study, it may request the Board to make available the expertise and the services of one or more persons with the requisite competence to assist the officials of the Government in the proposed study. The person or persons whom the Board intends to make available shall be subject to the approval of the Government. The modalities of this study and the time-limit within which the study has to be completed shall be determined by consultation between the Government and the Board. The Government shall communicate to the Board the results of the study and shall indicate the remedial measures that it considers necessary to take.

(d) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, or that there is a serious situation that needs co-operative action at the international level with a view to remedying it, may call the attention of the Parties, the Council and the Commission to the matter. The Board shall so act if the aims of this Convention are being seriously endangered and it has not been possible to resolve the matter satisfactorily in any other way. It shall also so act if it finds that there is a serious situation that needs co-operative action at the international level with a view to remedying it and the bringing such a situation to the notice of the Parties, the Council and the Commission is the most appropriate method of facilitating such co-operative action; after considering the reports of the Board, and of the Commission if available on the matter, the Council may draw the attention of the General Assembly to the matter.

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (d) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, the export of drugs, or both, from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council.

Article 7

New article 14 bis

The following new article shall be inserted after article 14 of the Single Convention :

“ Article 14 bis

TECHNICAL AND FINANCIAL ASSISTANCE

In cases which it considers appropriate and either in addition or as an alternative to measures set forth in article 14, paragraphs 1 and 2, the Board, with the agreement of the Government concerned, may recommend to the competent United Nations organs and to the specialized agencies that technical or financial assistance, or both, be provided to the Government in support of its efforts to carry out its obligations under this Convention, including those set out or referred to in article 2, 35, 38 and 38 bis ”.

Article 8

Amendment to article 16 of the Single Convention

Article 16 of the Single Convention shall be amended to read as follows :

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General. In particular, the Secretary of the Board shall be appointed by the Secretary-General in consultation with the Board.

Article 9

Amendments to article 19, paragraphs 1, 2 and 5
of the Single Convention

Article 19, paragraphs 1, 2 and 5 of the Single Convention shall be amended to read as follows :

1. The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by the Board, estimates on forms supplied by it in respect of the following matters :

- (a) Quantities of drugs to be consumed for medical and scientific purposes ;
- (b) Quantities of drugs to be utilized for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention ;
- (c) Stocks of drugs to be held as at 31 December of the year to which the estimates relate ;
- (d) Quantities of drugs necessary for addition to special stocks ;
- (e) The area (in hectares) and the geographical location of land to be used for the cultivation of the opium poppy ;
- (f) Approximate quantity of opium to be produced ;
- (g) The number of industrial establishments which will manufacture synthetic drugs ; and
- (h) The quantities of synthetic drugs to be manufactured by each of the establishments referred to in the preceding sub-paragraph.

2.—(a) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug except opium and synthetic drugs shall consist of the sum of the amounts specified under subparagraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1.

(b) Subject to the deductions referred to in paragraph 3 of article 21 regarding imports and in paragraph 2 of article 21 bis the total of the estimates for opium for each territory shall consist either of the sum of the amounts specified under