



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟΝ

ΤΗΣ ΕΠΙΣΗΜΟΥ ΕΦΗΜΕΡΙΔΟΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ὕπ' Ἄρ. 1501 τῆς 9ης ΦΕΒΡΟΥΑΡΙΟΥ 1979

ΝΟΜΟΘΕΣΙΑ

Ὁ περί τῆς Συμβάσεως περί τοῦ Διεθνoῦς Ναυτιλιακοῦ Ὁργανισμοῦ (Τροποποιήσεις) (Κυρωτικός) Νόμος τοῦ 1979 ἐκδίδεται διὰ δημοσιεύσεως εἰς τὴν ἐπίσημον ἐφημερίδα τῆς Κυπριακῆς Δημοκρατίας συμφώνως τῷ ἄρθρῳ 52 τοῦ Συντάγματος.

Ἄριθμός 12 τοῦ 1979

ΝΟΜΟΣ ΚΥΡΩΝ ΤΡΟΠΟΠΟΙΗΣΕΙΣ ΤΗΣ ΣΥΜΒΑΣΕΩΣ ΠΕΡΙ ΤΟΥ ΔΙΕΘΝΟΥΣ ΝΑΥΤΙΛΙΑΚΟΥ ΟΡΓΑΝΙΣΜΟΥ

Ἐπειδὴ ἡ Συνέλευσις τοῦ Διακυβερνητικοῦ Ναυτιλιακοῦ Συμβουλευτικοῦ Ὁργανισμοῦ δι' ἀποφάσεων αὐτῆς ὑπ' ἀριθμὸν Α. 371 (X) τῆς 9ης Νοεμβρίου, 1977 καὶ ὑπ' ἀριθμὸν Α. 400 (X) τῆς 17ης Νοεμβρίου, 1977 ἐψήφισε, συμφώνως τῷ ἄρθρῳ 52 τῆς Συμβάσεως περί τοῦ Διακυβερνητικοῦ Ναυτιλιακοῦ Συμβουλευτικοῦ Ὁργανισμοῦ, ὠρισμένας διορθώσεις καὶ τροποποιήσεις τῆς Συμβάσεως ὡς αὗται ἐκτίθενται ἐν τῷ Πίνακι. Προοίμιον.

Καὶ ἐπειδὴ αἱ διορθώσεις καὶ τροποποιήσεις αὗται, ἐγκριθεῖσαι ὑπὸ τοῦ Ὑπουργικοῦ Συμβουλίου διὰ τῆς ὑπ' ἀριθμὸν 17.474 καὶ ἡμερομηνίαν 30ῆν Νοεμβρίου, 1978 Ἀποφάσεως αὐτοῦ, δέον ὅπως κυρωθῶσι διὰ νόμου ψηφιζομένου ὑπὸ τῆς Βουλῆς τῶν Ἀντιπροσώπων.

Διὰ ταῦτα, ἡ Βουλὴ τῶν Ἀντιπροσώπων ψηφίζει ὡς ἀκολουθῶς :

1. Ὁ παρὼν Νόμος θὰ ἀναφέρηται ὡς ὁ περί τῆς Συμβάσεως περί τοῦ Διεθνoῦς Ναυτιλιακοῦ Ὁργανισμοῦ (Τροποποιήσεις) (Κυρωτικός) Νόμος τοῦ 1979 καὶ θὰ ἀναγινώσκηται ὁμοῦ μετὰ τῶν περί τῆς Συμβάσεως περί τοῦ Διεθνoῦς Ναυτιλιακοῦ Ὁργανισμοῦ (Κυρωτικῶν) Νόμων τοῦ 1973 ἕως 1977 (ἐν τοῖς ἐφεξῆς ἀναφερομένων ὡς «ὁ βασικός νόμος»), ὁ δὲ βασικός νόμος καὶ ὁ παρὼν Νόμος θὰ ἀναφέρωνται ὁμοῦ ὡς οἱ περὶ τῆς Συμβάσεως περί τοῦ Διεθνoῦς Ναυτιλιακοῦ Ὁργανισμοῦ (Κυρωτικοί) Νόμοι τοῦ 1973 ἕως 1979. Συνοπτικός τίτλος.

Κύριως τῶν
τροποποιή-
σεων τῆς
Συμβάσεως.

Πίναξ.
Πρώτον
Μέρος.
Δεύτερον
Μέρος.

2. Αἱ ὑπὸ τῆς Συνελεύσεως τοῦ Διακυβερνητικοῦ Ναυτιλιακοῦ Συμβουλευτικοῦ Ὄργανισμοῦ δι' ἀποφάσεων αὐτῆς ὑπ' ἀριθμὸν Α. 371 (X) τῆς 9ης Νοεμβρίου, 1977 καὶ ὑπ' ἀριθμὸν Α. 400 (X) τῆς 17ης Νοεμβρίου, 1977 γενόμεναι διορθώσεις καὶ τροποποιήσεις τῆς Συμβάσεως ὡς αὐταὶ ἐκτίθενται ἐν τῷ Ἀγγλικῷ πρωτοτύπῳ εἰς τὸ Πρῶτον καὶ Δεύτερον Μέρος τοῦ Πίνακος τοῦ παρόντος Νόμου, ἀντιστοίχως, καὶ ἐν μεταφράσει εἰς τὸ Τρίτον καὶ Τέταρτον Μέρος τοῦ Πίνακος, ἀντιστοίχως, διὰ τοῦ παρόντος κυροῦνται :

Νοεῖται ὅτι ἐν περιπτώσει ἀντιθέσεως μεταξύ τῶν δύο κειμένων ὑπερισχῶναι τὸ εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος ἐκτιθέμενον κείμενον.

Π Ι Ν Α Ξ

(Ἄρθρον 2)

ΠΡΩΤΟΝ ΜΕΡΟΣ

CORRECTION OF ASSEMBLY RESOLUTION A.358(IX)

The amendment to "*Title of the Convention*" as appearing in the Annex to Resolution A.358(IX) should read :

"Title of the Convention and Preamble

The existing title of the Convention is replaced by the following :

**CONVENTION ON THE INTERNATIONAL
MARITIME ORGANIZATION,**

and the name of the Organization in the existing Preamble to the Convention is replaced by the following :

International Maritime Organization"

ΔΕΥΤΕΡΟΝ ΜΕΡΟΣ

ANNEX

AMENDMENTS TO THE CONVENTION ON THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Article 1

(i) The text of paragraph (a) is replaced by the following :

To provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships; and to deal with administrative and legal matters related to the purposes set out in this Article;

(ii) The text of paragraph (d) is replaced by the following :

To provide for the consideration by the Organization of any matters concerning shipping and the effect of shipping on the marine environment that may be referred to it by any organ or specialized agency of the United Nations.

Article 2

The text is deleted.

Articles 3 to 31 are renumbered Articles 2 to 30.

Article 3 (renumbered as Article 2).

The text is replaced by the following :

In order to achieve the purposes set out in Part 1, the Organization shall :

(a) Subject to the provisions of Article 3, consider and make recommendations upon matters arising under Article 1(a), (b)

and (c) that may be remitted to it by Members, by any organ or specialized agency of the United Nations or by any other inter-governmental organization or upon matters referred to it under Article 1(d);

- (b) Provide for the drafting of conventions, agreements, or other suitable instruments, and recommend these to Governments and to inter-governmental organizations, and convene such conferences as may be necessary;
- (c) Provide machinery for consultation among Members and the exchange of information among Governments;
- (d) Perform functions arising in connexion with paragraphs (a), (b) and (c) of this Article, in particular those assigned to it by or under international instruments relating to maritime matters and the effect of shipping on the marine environment;
- (e) Facilitate as necessary, and in accordance with Part X, technical co-operation within the scope of the Organization.

Article 12 (renumbered as Article 11).

The text is replaced by the following :

The Organization shall consist of an Assembly, a Council, a Maritime Safety Committee, a Legal Committee, a Marine Environment Protection Committee, a Technical Co-operation Committee and such subsidiary organs as the Organization may at any time consider necessary, and a Secretariat.

Article 16 (renumbered as Article 15).

The text is replaced by the following :

The functions of the Assembly shall be :

- (a) To elect at each regular session from among its Members, other than Associate Members, its President and two Vice-Presidents who shall hold office until the next regular session;
- (b) To determine its own Rules of Procedure except as otherwise provided in the Convention;
- (c) To establish any temporary or, upon recommendation of the Council, permanent subsidiary bodies it may consider to be necessary;
- (d) To elect the Members to be represented on the Council as provided in Article 17;
- (e) To receive and consider the reports of the Council, and to decide upon any question referred to it by the Council;
- (f) To approve the work programme of the Organization;
- (g) To vote the budget and determine the financial arrangements of the Organization, in accordance with Part XII;
- (h) To review the expenditures and approve the accounts of the Organization;
- (i) To perform the functions of the Organization, provided that in matters relating to Article 2(a) and (b), the Assembly shall refer such matters to the Council for formulation by it of any recommendations or instruments thereon; provided further that any recommendations or instruments submitted to the Assembly by the Council and not accepted by the Assembly shall be referred back to the Council for further consideration with such observations as the Assembly may make;

(j) To recommend to Members for adoption regulations and guidelines concerning maritime safety, the prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment assigned to the Organization by or under international instruments, or amendments to such regulations and guidelines which have been referred to it;

(k) To take such action as it may deem appropriate to promote technical co-operation in accordance with Article 2(e), taking into account the special needs of developing countries;

(l) To take decisions in regard to convening any international conference or following any other appropriate procedure for the adoption of international conventions or of amendments to any international conventions which have been developed by the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee, or other organs of the Organization.

(m) To refer to the Council for consideration or decision any matters within the scope of the Organization, except that the function of making recommendations under paragraph (j) of this Article shall not be delegated.

Article 22 (renumbered as Article 21)

The text is replaced by the following :

(a) The Council shall consider the draft work programme and budget estimates prepared by the Secretary-General in the light of the proposals of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and other organs of the Organization and, taking these into account, shall establish and submit to the Assembly the work programme and budget of the Organization, having regard to the general interest and priorities of the Organization.

(b) The Council shall receive the reports, proposals and recommendations of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and other organs of the Organization and shall transmit them to the Assembly and, when the Assembly is not in session, to the Members for information, together with the comments and recommendations of the Council.

(c) Matters within the scope of Articles 28, 33, 38 and 43 shall be considered by the Council only after obtaining the views of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, or the Technical Co-operation Committee, as may be appropriate.

Article 26 (renumbered as Article 25)

The text is replaced by the following :

(a) The Council may enter into agreements or arrangements covering the relationship of the Organization with other organizations, as provided for in Part XV. Such agreements or arrangements shall be subject to approval by the Assembly.

(b) Having regard to the provisions of Part XV and to the relations maintained with other bodies by the respective Committees under Articles 28, 33, 38 and 43, the Council shall, between sessions of the Assembly, be responsible for relations with other organizations.

New Articles 32 to 42 (added pursuant to Res. A. 315 (ES. V) and Res. A. 358 (IX)).

These Articles are renumbered as Articles 31 to 41.

Article 29(c) adopted by Resolution A. 358 (IX) (to be renumbered as Article 28(c)) is amended by the inclusion of a reference to the Assembly.

Article 34(c) adopted by Resolution A. 358 (IX) (to be renumbered as Article 33(c)) is amended by the inclusion of a reference to the Assembly.

New Part X

A new Part X, consisting of new Articles 42—46, is added after Parts VIII and IX (added by Res. A. 358 (IX)) as follows :

PART X

Technical Co-operation Committee

Article 42

The Technical Co-operation Committee shall consist of all the Members.

Article 43

(a) The Technical Co-operation Committee shall consider, as appropriate, any matter within the scope of the Organization concerned with the implementation of technical co-operation projects funded by the relevant United Nations programme for which the Organization acts as the executing or co-operating agency or by funds-in-trust voluntarily provided to the Organization, and any other matters related to the Organization's activities in the technical co-operation field.

(b) The Technical Co-operation Committee shall keep under review the work of the Secretariat concerning technical co-operation.

(c) The Technical Co-operation Committee shall perform those functions assigned to it by this Convention or by the Assembly or the Council, or any duty within the scope of this Article which may be assigned to it by or under any other international instrument and accepted by the Organization.

(d) Having regard to the provisions of Article 25, the Technical Co-operation Committee, upon request by the Assembly and Council or, if it deems such action useful in the interests of its own work, shall maintain such close relationships with other bodies as may further the purposes of the Organization.

Article 44

The Technical Co-operation Committee shall submit to the Council :

(a) Recommendations which the Committee has developed;

(b) A report on the work of the Committee since the previous session of the Council.

Article 45

The Technical Co-operation Committee shall meet at least once a year. It shall elect its officers once a year and shall adopt its own rules of procedure.

Article 46

Notwithstanding anything to the contrary in this Convention, but subject to the provisions of Article 42, the Technical Co-operation Committee, when exercising the functions conferred upon it by or under any international convention or other instrument, shall conform to the relevant provisions of the convention or instrument in question, particularly as regards the rules governing the procedures to be followed.