

Ο περί του Πρωτοκόλλου περί των Ειδικών Προστατευομένων Περιοχών της Μεσογείου Θαλάσσης (Κυρωτικός) Νόμος του 1987 εκδίδεται με δημοσίευση στην επίσημη εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 267 του 1987

ΝΟΜΟΣ ΚΥΡΩΝ ΤΟ ΠΡΩΤΟΚΟΛΛΟΝ ΠΕΡΙ ΤΩΝ ΕΙΔΙΚΩΣ
ΠΡΟΣΤΑΤΕΥΟΜΕΝΩΝ ΠΕΡΙΟΧΩΝ ΤΗΣ ΜΕΣΟΓΕΙΟΥ ΘΑΛΑΣΣΗΣ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί του Πρωτοκόλλου περί των Ειδικών Προστατευομένων Περιοχών της Μεσογείου Θαλάσσης (Κυρωτικός) Νόμος του 1987 και θα ισχύη, εφαρμόζεται και ερμηνεύεται εν συσχετισμώ προς τον περί της Συμβάσεως διά την Προστασίαν της Μεσογείου Θαλάσσης κατά της Ρυπάνσεως και περί Συναφών Πρωτοκόλλων (Κυρωτικών) Νόμον του 1979.

Συνοπτικός
τίτλος.

51 του 1979.

2. Εις τον παρόντα Νόμον—

Ερμηνεία.

«Πρωτόκολλον» σημαίνει το Πρωτόκολλον περί των Ειδικώς Προστατευομένων Περιοχών της Μεσογείου Θαλάσσης, γενόμενον εν Γενεύη την 3ην Απριλίου, 1982, του οποίου το πρωτότυπον κείμενον εις την αγγλικήν εκτίθεται εις το Μέρος Ι του συνημμένου Πίνακος και η ελληνική μετάφρασις αυτού εις το Μέρος ΙΙ του ιδίου Πίνακος:

Πίναξ
Μέρος Ι.
Μέρος ΙΙ.

Νοείται ότι εν περιπτώσει αντιθέσεως μεταξύ των εν λόγω δύο κειμένων θα υπερισχύη το εις το Μέρος Ι του Πίνακος εκτιθέμενον αγγλικόν κείμενον.

3. Διά του παρόντος Νόμου κυρούται το Πρωτόκολλον, εις το οποίον η προσχώρησις της Κυπριακής Δημοκρατίας απεφασίσθη δια της υπ' αρ. 28.523/9 και ημερομηνίαν 7 Μαΐου, 1987 Αποφάσεως του Υπουργικού Συμβουλίου.

Κύρωσις
Πρωτοκόλλου.

ΠΙΝΑΚΑΣ
(Άρθρο 2)
Μέρος Ι

PROTOCOL CONCERNING MEDITERRANEAN SPECIALLY
PROTECTED AREAS

The Contracting Parties to the present Protocol,
Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976,

Conscious of the danger threatening the environment of the Mediterranean Sea Area as a whole, in view of the increasing human activities in the region,

Taking into account the special hydrographic and ecological characteristics of the Mediterranean Sea Area,

Stressing the importance of protecting and, as appropriate, improving the state of the natural resources and natural sites of the Mediterranean Sea, as well as of their cultural heritage in the region, among other means by the establishment of specially protected areas including marine areas and their environment,

Desirous of establishing close co-operation among themselves in order to achieve that objective,

Have agreed as follows:

Article 1

1. The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures with a view to protecting those marine areas which are important for the safeguard of the natural resources and natural sites of the Mediterranean Sea Area, as well as for the safeguard of their cultural heritage in the region.

2. Nothing in this Protocol shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750C (XXV) of the General Assembly of the United Nations, nor the present or future claims and legal view of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article 2

For the purposes of the designation of specially protected areas (hereinafter referred to as "protected areas"), the area to which this Protocol applies shall be the Mediterranean Sea Area as defined in article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as "the Convention"); it being understood that, for the purposes of the present Protocol, it shall be limited to the territorial waters of the Parties and may include waters on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit. It may also include wetlands or coastal areas designated by each of the Parties.

Article 3

1. The Parties shall, to the extent possible, establish protected areas and shall endeavour to undertake the action necessary in order to protect those areas and, as appropriate, restore them, as rapidly as possible.

2. Such areas shall be established in order to safeguard in particular:

- (a) — sites of biological and ecological value;
 - the genetic diversity, as well as satisfactory population levels, of species, and their breeding grounds and habitats;
 - representative types of ecosystems, as well as ecological processes;
- (b) sites of particular importance because of their scientific, aesthetic, historical, archaeological, cultural or educational interest.

Article 4

The Parties to this Protocol shall, at their first meeting, formulate and adopt, if necessary in co-operation with the competent international organizations, common guidelines and, if needed, standards or criteria dealing in particular with:

- (a) the selection of protected areas;
- (b) the establishment of protected areas;
- (c) the management of protected areas;
- (d) the notification of information on protected areas.

Article 5

The Parties may strengthen the protection of a protected area by establishing, within the area to which this Protocol applies, one or more buffer areas in which activities are less severely restricted while remaining compatible with the purposes of the protected area.

Article 6

1. If a Party intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of another Party, the competent authorities of the two Parties shall endeavour to consult each other with a view to reaching agreement on the measures to be taken and shall, among other things, examine the possibility of the establishment by the other Party of a corresponding protected area or the adoption by it of any other appropriate measure.

2. If a Party intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of a State which is not a party to this Protocol, the Party shall endeavour to work together with the competent authorities of that State with a view to holding the consultations referred to in the preceding paragraph.

3. If contiguous protected areas are established by two Parties, or by one Party and by a State which is not a party to this Protocol, special agreements, may provide for the means whereby the consultation or the collaboration contemplated in paragraphs 1 and 2 respectively may take place.

4. If a State which is not a party to this Protocol intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of a Party to this Protocol, the latter shall endeavour to work together with that State with a view to holding consultations, and possibly concluding a special agreement as referred to in paragraph 3.

Article 7

The Parties, having regard to the objectives pursued and taking into account the characteristics of each protected area, shall, in conformity with the rules of international law, progressively take the measures required, which may include:

- (a) the organization of a planning and management system;
- (b) the prohibition of the dumping or discharge of wastes or other matter which may impair the protected area;
- (c) the regulation of the passage of ships and any stopping or anchoring;
- (d) the regulation of fishing and hunting and of the capture of animals and harvesting of plants;
- (e) the prohibition of the destruction of plant life or animals and of the introduction of exotic species;
- (f) the regulation of any act likely to harm or disturb the fauna or flora, including the introduction of indigenous zoological or botanical species;
- (g) the regulation of any activity involving the exploration or exploitation of the sea-bed or its subsoil or a modification of the sea-bed profile;
- (h) the regulation of any activity involving a modification of the profile of the soil or the exploitation of the subsoil of the land part of a marine protected area;
- (i) the regulation of any archaeological activity and of the removal of any object which may be considered as an archaeological object;
- (j) the regulation of trade in and import and export of animals, parts of animals, plants, parts of plants and archaeological objects which originate in protected areas and are subject to measures of protection;
- (k) any other measure aimed at safeguarding ecological and biological processes in protected areas.

Article 8

1. The Parties shall give appropriate publicity to the establishment of protected areas, as well as of the areas provided for in article 5, and to their markings and the regulations applying thereto.

2. The information referred to in the preceding paragraph shall be notified to the Organization designated in article 13 of the Convention (hereinafter referred to as "the Organization") which shall compile and keep up to date a directory of protected areas in the area to which this Protocol applies. The Parties shall supply the Organization with all the information necessary for that purpose.

Article 9

1. The Parties shall, in promulgating protective measures, take into account the traditional activities of their local populations. To the fullest extent possible, no exemption which is allowed for this reason shall be such as:

- (a) to endanger either the maintenance of ecosystems protected under the terms of the present Protocol or the biological processes contributing to the maintenance of those ecosystems;
- (b) to cause either the extinction of, or any substantial reduction in, the number of individuals making up the species or animal and plant populations within the protected ecosystems, or any ecologically connected species or populations, particularly migratory species and rare, endangered or endemic species.

2. Parties which allow exemptions with regard to protective measures or do not apply such measures strictly shall inform the Organization accordingly.

Article 10

The Parties shall encourage and develop scientific and technical research on their protected areas and on the ecosystems and archaeological heritage of those areas.

Article 11

The Parties shall endeavour to inform the public as widely as possible of the significance and interest of the protected areas and of the scientific knowledge which may be gained from them from the point of view of both nature conservation and archaeology. Such information should have an appropriate place in education programmes concerning the environment and history. The Parties should also endeavour to promote the participation of their public and their nature conservation organizations in appropriate measures which are necessary for the protection of the areas concerned.

Article 12

The Parties shall, to the extent possible, establish a co-operation programme to co-ordinate the establishment, planning, management and conservation of protected areas, with a view to creating a network, of protected areas in the Mediterranean region, taking fully into account existing networks, especially that of biosphere reserves of UNESCO. There shall be regular exchanges of information concerning the characteristics of the protected areas, the experience acquired and the problems encountered.

Article 13

The Parties shall, in accordance with the procedures set forth in article 14, exchange scientific and technical information concerning current or planned research and the results expected. They shall, to the fullest extent possible, co-ordinate their research. They shall, moreover, endeavour to define jointly or to standardize the scientific methods to be applied in the selection, management and monitoring of protected areas.

Article 14

1. In applying the principles of co-operation set forth in articles 12 and 13, the Parties shall forward to the Organization:

- (a) comparable information for monitoring the biological development of the Mediterranean environment;
- (b) reports, publications and information of a scientific, administrative and legal nature, in particular:
 - on the measures taken by the Parties in pursuance of this Protocol for the protection of the protected areas;
 - on the species present in the protected areas;
 - on any threats to those areas, especially those which may come from sources of pollution outside their control.

2. The Parties shall designate persons responsible for protected areas. Those persons shall meet at least once every two years to discuss matters of joint interest and especially to propose recommendations concerning scientific, administrative and legal information as well as the standardization and processing of data.

Article 15

1. The Parties shall, directly or with the assistance of competent regional or other international organizations or bilaterally, co-operate, on the entry into force of this Protocol, in formulating and implementing programmes of mutual assistance and of assistance to those developing countries which express a need for it in the selection, establishment and management of protected areas.

2. The programmes contemplated in the preceding paragraph should relate, in particular, to the training of scientific and technical personnel, scientific research, and the acquisition, utilization and production by those countries of appropriate equipment on advantageous terms to be agreed among the Parties concerned.

Article 16

Changes in the delimitation or legal status of a protected area or the suppression of all or part of such an area may not take place except under a similar procedure to that followed for its establishment.

Article 17

1. The ordinary meeting of the Parties to this Protocol shall be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to article 14 of the Convention. The Parties may also hold extraordinary meetings in conformity with that article.

2. It shall be the function of the meetings of the Parties to this Protocol, in particular:

- (a) to keep under review the implementation of this Protocol;
- (b) to consider the efficacy of the measures adopted, having regard in particular to the area to which the Protocol applies, and to examine the need for other measures, in particular in the form of annexes, or for envisaging, if necessary, an alteration to that area, in conformity with the provisions of article 16 of the Convention;
- (c) to adopt, review and amend as required any annex to this Protocol;
- (d) to monitor the establishment and development of the network of protected areas provided by article 12, and to adopt guidelines to facilitate the establishment and development of that system and to increase co-operation among the Parties;