



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
Αρ. 2647 της 15ης ΝΟΕΜΒΡΙΟΥ 1991
ΝΟΜΟΘΕΣΙΑ

Ο Κυρωτικός της Σύμβασης του Διεθνούς Οργανισμού Ναυτιλιακών Δορυφόρων (INMARSAT) Νόμος του 1991 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 201 του 1991

**ΝΟΜΟΣ ΚΥΡΩΤΙΚΟΣ ΤΗΣ ΣΥΜΒΑΣΗΣ ΤΟΥ ΔΙΕΘΝΟΥΣ
ΟΡΓΑΝΙΣΜΟΥ ΝΑΥΤΙΛΙΑΚΩΝ ΔΟΡΥΦΟΡΩΝ (INMARSAT)**

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο Κυρωτικός της Σύμβασης του Διεθνούς Οργανισμού Ναυτιλιακών Δορυφόρων (INMARSAT) Νόμος του 1991.

Συνοπτικός
τίτλος.

2. Κατά την έννοια του παρόντος Νόμου—

Ερμηνεία.

«Σύμβαση» σημαίνει τη Σύμβαση του Διεθνούς Οργανισμού Ναυτιλιακών Δορυφόρων (INMARSAT), της οποίας το πρωτότυπο κείμενο εκτίθεται στην αγγλική στο Μέρος Α του Πίνακα και η ελληνική μετάφραση στο Μέρος Β του Πίνακα.

Πίνακας
Μέρος Α
Μέρος Β

3. —(1) Με τον παρόντα Νόμο κυρώνεται η Σύμβαση.

Κύρωση
της Σύμβασης.

(2) Σε περίπτωση αντίθεσης μεταξύ του εκτιθέμενου στο Μέρος Α του Πίνακα πρωτότυπου κειμένου και της εκτιθέμενης στο Μέρος Β αυτού ελληνικής μετάφρασης θα υπερισχύει το εκτιθέμενο στο Μέρος Α του Πίνακα κείμενο.

ΠΙΝΑΚΑΣ

('Αρθρο 2)

ΜΕΡΟΣ Α

**CONVENTION ON THE INTERNATIONAL MARITIME
SATELLITE ORGANIZATION (INMARSAT)**

THE STATES PARTIES TO THIS CONVENTION:

CONSIDERING the principle set forth in Resolution 1721 (XVI) of the General Assembly of the United Nations that communication by means of satellites should be available to the nations of the world as soon as practicable on a global and non-discriminatory basis,

CONSIDERING the relevant provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, concluded on 27 January 1967, and in particular Article 1, which states that outer space shall be used for the benefit and in the interests of all countries,

TAKING INTO ACCOUNT that a very high proportion of world trade is dependent upon ships,

BEING AWARE that considerable improvements to the maritime distress and safety systems and to the communication link between ships and between ships and their management as well as between crew or passengers on board and persons on shore can be made by using satellites,

DETERMINED, to this end, to make provision for the benefit of ships of all nations through the most advanced suitable space technology available, for the most efficient and economic facilities possible consistent with the most efficient and equitable use of the radio frequency spectrum and of satellite orbits,

RECOGNIZING that a maritime satellite system comprises mobile earth stations and land earth stations, as well as the space segment,

AGREE AS FOLLOWS:

ARTICLE 1

Definitions

For the purposes of this Convention:

- (a) "Operating Agreement" means the Operating Agreement on the International Maritime Satellite Organization (INMARSAT), including its Annex.
- (b) "Party" means a State for which this Convention has entered into force.
- (c) "Signatory" means either a Party or an entity designated in accordance with Article 2(3), for which the Operating Agreement has entered into force.
- (d) "Space segment" means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment required to support the operation of these satellites.
- (e) "INMARSAT space segment" means the space segment owned or leased by INMARSAT.
- (f) "Ship" means a vessel of any type operating in the marine environment. It includes *inter alia* hydrofoil boats, air-cushion vehicles, submersibles, floating craft and platforms not permanently moored.
- (g) "Property" means anything that can be the subject of a right of ownership, including contractual rights.

ARTICLE 2

Establishment of INMARSAT

(1) The International Maritime Satellite Organization (INMARSAT), herein referred to as "the Organization", is hereby established.

(2) The Operating Agreement shall be concluded in conformity with the provisions of this Convention and shall be opened for signature at the same time as this Convention.

(3) Each Party shall sign the Operating Agreement or shall designate a competent entity, public or private, subject to the jurisdiction of that Party, which shall sign the Operating Agreement.

(4) Telecommunications administrations and entities may, subject to applicable domestic law, negotiate and enter directly into appropriate traffic agreements with respect to their use of telecommunications facilities provided pursuant to this Convention and the Operating Agreement, as well as with respect to services to be furnished to the public, facilities, division of revenues and related business arrangements.

ARTICLE 3

Purpose

(1) The purpose of the Organization is to make provision for the space segment necessary for improving maritime communications, thereby assisting in improving distress and safety of life at sea communications, efficiency and management of ships, maritime public correspondence services and radiodetermination capabilities.

(2) The Organization shall seek to serve all areas where there is need for maritime communications.

(3) The Organization shall act exclusively for peaceful purposes.

ARTICLE 4

Relations between a Party and its Designated Entity

Where a Signatory is an entity designated by a Party:

- (a) Relations between the Party and the Signatory shall be governed by applicable domestic law.
- (b) The Party shall provide such guidance and instructions as are appropriate and consistent with its domestic law to ensure that the Signatory fulfils its responsibilities.
- (c) The Party shall not be liable for obligations arising under the Operating Agreement. The Party shall, however, ensure that the Signatory, in carrying out its obligations within the Organization, will not act in a manner which violates obligations which the Party has accepted under this Convention or under related international agreements.
- (d) If the Signatory withdraws or its membership is terminated the Party shall act in accordance with Article 29(3) or 30(6).

ARTICLE 5

Operational and Financial Principles of the Organization

(1) The Organization shall be financed by the contributions of Signatories. Each Signatory shall have a financial interest in the Organization in proportion to its investment share which shall be determined in accordance with the Operating Agreement.

(2) Each Signatory shall contribute to the capital requirements of the Organization and shall receive capital repayment and compensation for use of capital in accordance with the Operating Agreement.

(3) The Organization shall operate on a sound economic and financial basis having regard to accepted commercial principles.

ARTICLE 6

Provision of Space Segment

The Organization may own or lease the space segment.

ARTICLE 7

Access to Space Segment

(1) The INMARSAT space segment shall be open for use by ships of all nations on conditions to be determined by the Council. In determining such conditions, the Council shall not discriminate among ships on the basis of nationality.

(2) The Council may, on a case-by-case basis, permit access to the INMARSAT space segment by earth stations located on structures operating in the marine environment other than ships, if and as long as the operation of such earth stations will not significantly affect the provision of service to ships.

(3) Earth stations on land communicating via the INMARSAT space segment shall be located on land territory under the jurisdiction of a Party and shall be wholly owned by Parties or entities subject to their jurisdiction. The Council may authorize otherwise if it finds this to be in the interests of the Organization.

ARTICLE 8

Other Space Segments

(1) A Party shall notify the Organization in the event that it or any person within its jurisdiction intends to make provision for, or initiate the use of, individually or jointly, separate space segment facilities to meet any or all of the purposes of the INMARSAT space segment, to ensure technical compatibility and to avoid significant economic harm to the INMARSAT system.

(2) The Council shall express its views in the form of a recommendation of a non-binding nature with respect to technical compatibility and shall provide its views to the Assembly with respect to economic harm.

(3) The Assembly shall express its views in the form of recommendations of a non-binding nature within a period of nine months from the date of commencing the procedures provided for in this Article. An extraordinary meeting of the Assembly may be convened for this purpose.

(4) The notification pursuant to paragraph (1), including the provision of pertinent technical information, and subsequent consultations with the Organization, shall take into account the relevant provisions of the Radio Regulations of the International Telecommunication Union.

(5) This Article shall not apply to the establishment, acquisition, utilization or continuation of separate space segment facilities for national security purposes, or which were contracted for, established, acquired or utilized prior to the entry into force of this Convention.

ARTICLE 9

Structure

The organs of the Organization shall be:

- (a) The Assembly.
- (b) The Council.
- (c) The Directorate headed by a Director-General.

ARTICLE 10

Assembly—Composition and Meetings

- (1) The Assembly shall be composed of all the Parties.
- (2) Regular sessions of the Assembly shall be held once every two years. Extraordinary sessions shall be convened upon the request of one-third of the Parties or upon the request of the Council.

ARTICLE 11

Assembly—Procedure

- (1) Each Party shall have one vote in the Assembly.
- (2) Decisions on matters of substance shall be taken by a two-thirds majority, and on procedural matters by a simple majority, of the Parties present and voting. Parties which abstain from voting shall be considered as not voting.
- (3) Decisions whether a question is procedural or substantive shall be taken by the Chairman. Such decisions may be overruled by a two-thirds majority of the Parties present and voting.
- (4) A quorum for any meeting of the Assembly shall consist of a majority of the Parties.

ARTICLE 12

Assembly—Functions

- (1) The functions of the Assembly shall be to:
 - (a) Consider and review the activities, purposes, general policy and long-term objectives of the Organization and express views and make recommendations thereon to the Council.
 - (b) Ensure that the activities of the Organization are consistent with this Convention and with the purposes and principles of the United Nations Charter, as well as with any other treaty by which the Organization becomes bound in accordance with its decision.
 - (c) Authorize, on the recommendation of the Council, the establishment of additional space segment facilities the special or primary purpose of which is to provide radiodetermination, distress or safety services. However, the space segment facilities established to provide maritime public correspondence services can be used for telecommunications for distress, safety and radiodetermination purposes without such authorization.
 - (d) Decide on other recommendations of the Council and express views on reports of the Council.
 - (e) Elect four representatives on the Council in accordance with Article 13(1)(b).
 - (f) Decide upon questions concerning formal relationships between the Organization and States, whether Parties or not, and international organizations.
 - (g) Decide upon any amendment to this Convention pursuant to Article 34 or to the Operating Agreement pursuant to Article XVIII thereof.
 - (h) Consider and decide whether membership be terminated in accordance with Article 30.
 - (i) Exercise any other functions conferred upon it in any other Article of this Convention or the Operating Agreement.
- (2) In performing its functions the Assembly shall take into account any relevant recommendations of the Council.