

**Ο περί της Συμφωνίας για την Προώθηση της Τήρησης των Διεθνών Μέτρων Διατήρησης και Διαχείρισης από τα Αλιευτικά Σκάφη στην Ανοικτή Θάλασσα (Κυρωτικός) Νόμος του 2002, εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.**

Αριθμός 6(ΙΙΙ) του 2002

**ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΦΩΝΙΑ ΓΙΑ ΤΗΝ ΠΡΟΩΘΗΣΗ ΤΗΣ  
ΤΗΡΗΣΗΣ ΤΩΝ ΔΙΕΘΝΩΝ ΜΕΤΡΩΝ ΔΙΑΤΗΡΗΣΗΣ ΚΑΙ ΔΙΑΧΕΙΡΙΣΗΣ  
ΑΠΟ ΤΑ ΑΛΙΕΥΤΙΚΑ ΣΚΑΦΗ ΣΤΗΝ ΑΝΟΙΚΤΗ ΘΑΛΑΣΣΑ**

Για σκοπούς συμμόρφωσης με δέσμευση της Δημοκρατίας προς την Ευρωπαϊκή Ένωση για προσχώρηση, μέχρι το τέλος του 2002, στη Συμφωνία για την Προώθηση της Τήρησης των Διεθνών Μέτρων Διατήρησης και Διαχείρισης από τα Αλιευτικά Σκάφη στην Ανοικτή Θάλασσα,

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Συμφωνίας για την Προώθηση της Τήρησης των Διεθνών Μέτρων Διατήρησης και Διαχείρισης από τα Αλιευτικά Σκάφη στην Ανοικτή Θάλασσα (Κυρωτικός) Νόμος του 2002. Συνοπτικός  
τίτλος.

2. Στον παρόντα Νόμο εκτός αν από το κείμενο προκύπτει διαφορετική έννοια— Εμφάνεια.

«Συμφωνία» σημαίνει τη Συμφωνία για την Προώθηση των Διεθνών Μέτρων Διατήρησης και Διαχείρισης από τα Αλιευτικά Σκάφη στην Ανοικτή Θάλασσα, η οποία εγκρίθηκε κατά την 27η σύνοδο του Οργανισμού Τροφίμων και Γεωργίας των Ηνωμένων Εθνών (FAO), το Νοέμβριο του 1993.

3.—(1) Η Συμφωνία, της οποίας η προσχώρηση από την Κυπριακή Δημοκρατία αποφασίσθηκε με την Απόφαση του Υπουργικού Συμβουλίου με Αριθμό 51.727 και ημερομηνία 15 Μαΐου 2000, κυρώνεται με τον παρόντα Νόμο. Κύρωση.

(2) Το κείμενο της Συμφωνίας στο αγγλικό πρωτότυπο εκτίθεται στο Μέρος Ι του Πίνακα και η ελληνική μετάφρασή του εκτίθεται στο Μέρος ΙΙ του Πίνακα: Πίνακας,  
Μέρος Ι,  
Μέρος ΙΙ.

Νοείται ότι σε περίπτωση αντίφασης μεταξύ των δύο κειμένων, υπερισχύει το κείμενο που εκτίθεται στο Μέρος Ι του Πίνακα.

4. Αρμόδια Αρχή για την εφαρμογή της Συμφωνίας είναι ο Υπουργός Γεωργίας, Φυσικών Πόρων και Περιβάλλοντος και οποιοδήποτε πρόσωπο εξουσιοδοτημένο από τον Υπουργό για το σκοπό αυτό. Αρμόδια Αρχή.

5.—(1) Το Υπουργικό Συμβούλιο έχει εξουσία να εκδίδει Κανονισμούς για να καθορίζει οτιδήποτε χρειάζεται ή είναι δεκτικό καθορισμού για την καλύτερη εφαρμογή της Σύμβασης. Κανονισμοί.

ΠΙΝΑΚΑΣ  
(Αρθρο 3)

ΜΕΡΟΣ ΙΙ

AGREEMENT TO PROMOTE COMPLIANCE WITH INTERNATIONAL  
CONSERVATION AND MANAGEMENT MEASURES BY FISHING VESSELS ON THE  
HIGH SEAS

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PREAMBLE

**The Parties to this Agreement,**

**Recognizing** that all States have the right for their nationals to engage in fishing on the high seas, subject to the relevant rules of international law, as reflected in the United Nations Convention on the Law of the Sea,

**Further recognizing** that, under international law as reflected in the United Nations Convention on the Law of the Sea, all States have the duty to take, or to cooperate with other States in taking, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas,

**Acknowledging** the right and interest of all States to develop their fishing sectors in accordance with their national policies, and the need to promote cooperation with developing countries to enhance their capabilities to fulfil their obligations under this Agreement,

**Recalling** that Agenda 21, adopted by the United Nations Conference on Environment and Development, calls upon States to take effective action, consistent with international law, to deter reflagging of vessels by their nationals as a means of avoiding compliance with applicable conservation and management rules for fishing activities on the high seas,

**Further recalling** that the Declaration of Cancun, adopted by the International Conference on Responsible Fishing, also calls on States to take action in this respect,

**Bearing in mind** that under Agenda 21, States commit themselves to the conservation and sustainable use of marine living resources on the high seas.

**Calling upon** States which do not participate in global, regional or subregional fisheries organizations or arrangements to join or, as appropriate, to enter into understandings with such organizations or with parties to such organizations or arrangements with a view to achieving compliance with international conservation and management measures,

**Conscious** of the duties of every State to exercise effectively its jurisdiction and control over vessels flying its flag, including fishing vessels and vessels engaged in the transshipment of fish,

**Mindful** that the practice of flagging or reflagging fishing vessels as a means of avoiding compliance with international conservation and management measures for living marine resources, and the failure of flag States to fulfil their responsibilities with respect to fishing vessels entitled to fly their flag, are among the factors that seriously undermine the effectiveness of such measures.

**Realizing** that the objective of this Agreement can be achieved through specifying flag States' responsibility in respect of fishing vessels entitled to fly their flags and operating on the high seas, including the authorization by the flag State of such operations, as well as through strengthened

international cooperation and increased transparency through the exchange of information on high seas fishing.

**Noting** that this Agreement will form an integral part of the International Code of Conduct for Responsible Fishing called for in the Declaration of Cancun,

**Desiring** to conclude an international agreement within the framework of the Food and Agriculture Organization of the United Nations, hereinafter referred to as FAO, under Article XIV of the FAO Constitution,

**Have agreed as follows:**

## ARTICLE I

### *Definitions*

For the purposes of this Agreement:

- (a) "fishing vessel" means any vessel used or intended for use for the purposes of the commercial exploitation of living marine resources, including mother ships and any other vessels directly engaged in such fishing operations;
- (b) "international conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea. Such measures may be adopted either by global, regional or subregional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements;
- (c) "length" means
  - (i) for any fishing vessel built after 18 July 1982, 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;
  - (ii) for any fishing vessel built before 18 July 1982, registered length as entered on the national register or other record of vessels;
- (d) "record of fishing vessels" means a record of fishing vessels in which are recorded pertinent details of the fishing vessel. It may constitute a separate record for fishing vessels or form part of a general record of vessels;
- (e) "regional economic integration organization" means a regional economic integration organization to which its Member States have transferred competence over matters covered by this Agreement, including the authority to make decisions binding on its Member States in respect of those matters;
- (f) "vessels entitled to fly its flag" and "vessels entitled to fly the flag of a State", includes vessels entitled to fly the flag of a Member State of a regional economic integration organization.

## ARTICLE II

### *Application*

1. Subject to the following paragraphs of this Article, this Agreement shall apply to all fishing vessels that are used or intended for fishing on the high seas.
2. A Party may exempt fishing vessels of less than 24 metres in length entitled to fly its flag from the application of this Agreement unless the Party determines that such an exemption would undermine the object and purpose of this Agreement, provided that such exemptions:
  - (a) shall not be granted in respect of fishing vessels operating in fishing regions referred to in paragraph 3 below, other than fishing vessels that are entitled to fly the flag of a coastal State of that fishing region; and
  - (b) shall not apply to the obligations undertaken by a Party under paragraph 1 of Article III, or paragraph 7 of Article VI of this Agreement.
3. Without prejudice to the provisions of paragraph 2 above, in any fishing region where bordering coastal States have not yet declared exclusive economic zones, or equivalent zones of national jurisdiction over fisheries, such coastal States as are Parties to this Agreement may agree, either directly or through appropriate regional fisheries organizations, to establish a minimum length of fishing vessels below which this Agreement shall not apply in respect of fishing vessels flying the flag of any such coastal State and operating exclusively in such fishing region.

## ARTICLE III

### *Flag State Responsibility*

1. (a) Each Party shall take such measures as may be necessary to ensure that fishing vessels entitled to fly its flag do not engage in any activity that undermines the effectiveness of international conservation and management measures.  
  
(b) In the event that a Party has, pursuant to paragraph 2 of Article II, granted an exemption for fishing vessels of less than 24 metres in length entitled to fly its flag from the application of other provisions of this Agreement, such Party shall nevertheless take effective measures in respect of any such fishing vessel that undermines the effectiveness of international conservation and management measures. These measures shall be such as to ensure that the fishing vessel ceases to engage in activities that undermine the effectiveness of the international conservation and management measures.
2. In particular, no Party shall allow any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless it has been authorized to be so used by the appropriate authority or authorities of that Party. A fishing vessel so authorized shall fish in accordance with the conditions of the authorization.
3. No Party shall authorize any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless the Party is satisfied that it is able, taking into account the links that exist between it and the fishing vessel concerned, to exercise effectively its responsibilities under this Agreement in respect of that fishing vessel.
4. Where a fishing vessel that has been authorized to be used for fishing on the high seas by a Party ceases to be entitled to fly the flag of that Party, the authorization to fish on the high seas shall be deemed to have been cancelled.
5. (a) No Party shall authorize any fishing vessel previously registered in the territory of another

Party that has undermined the effectiveness of international conservation and management measures to be used for fishing on the high seas, unless it is satisfied that

- (i) any period of suspension by another Party of an authorization for such fishing vessel to be used for fishing on the high seas has expired; and
- (ii) no authorization for such fishing vessel to be used for fishing on the high seas has been withdrawn by another Party within the last three years.

(b) The provisions of subparagraph (a) above shall also apply in respect of fishing vessels previously registered in the territory of a State which is not a Party to this Agreement, provided that sufficient information is available to the Party concerned on the circumstances in which the authorization to fish was suspended or withdrawn.

(c) The provisions of subparagraphs (a) and (b) shall not apply where the ownership of the fishing vessel has subsequently changed, and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the fishing vessel.

(d) Notwithstanding the provisions of subparagraphs (a) and (b) above, a Party may authorize a fishing vessel, to which those subparagraphs would otherwise apply, to be used for fishing on the high seas, where the Party concerned, after having taken into account all relevant facts, including the circumstances in which the fishing authorization has been withdrawn by the other Party or State, has determined that to grant an authorization to use the vessel for fishing on the high seas would not undermine the object and purpose of this Agreement.

6. Each Party shall ensure that all fishing vessels entitled to fly its flag that it has entered in the record maintained under Article IV are marked in such a way that they can be readily identified in accordance with generally accepted standards, such as the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.

7. Each Party shall ensure that each fishing vessel entitled to fly its flag shall provide it with such information on its operations as may be necessary to enable the Party to fulfil its obligations under this Agreement, including in particular information pertaining to the area of its fishing operations and to its catches and landings.

8. Each Party shall take enforcement measures in respect of fishing vessels entitled to fly its flag which act in contravention of the provisions of this Agreement, including, where appropriate, making the contravention of such provisions an offence under national legislation. Sanctions applicable in respect of such contraventions shall be of sufficient gravity as to be effective in securing compliance with the requirements of this Agreement and to deprive offenders of the benefits accruing from their illegal activities. Such sanctions shall, for serious offences, include refusal, suspension or withdrawal of the authorization to fish on the high seas.

## ARTICLE IV

### *Records of Fishing Vessels*

Each Party shall, for the purposes of this Agreement, maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing on the high seas, and shall take such measures as may be necessary to ensure that all such fishing vessels are entered in that record.