

Ο περί του Πρωτοκόλλου της Σύμβασης του 1979 για τη Διαμεθοριακή Ρύπανση της Ατμόσφαιρας σε Μεγάλη Απόσταση που οφείλεται στους Έμμονους Οργανικούς Ρύπους (Κυρωτικός) Νόμος του 2004 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 39(ΠΙ) του 2004

**ΝΟΜΟΣ ΚΥΡΩΤΙΚΟΣ ΤΟΥ ΠΡΩΤΟΚΟΛΛΟΥ ΤΗΣ ΣΥΜΒΑΣΗΣ ΤΟΥ 1979
ΓΙΑ ΤΗ ΔΙΑΜΕΘΟΡΙΑΚΗ ΡΥΠΑΝΣΗ ΤΗΣ ΑΤΜΟΣΦΑΙΡΑΣ
ΣΕ ΜΕΓΑΛΗ ΑΠΟΣΤΑΣΗ ΠΟΥ ΟΦΕΙΛΕΤΑΙ ΣΤΟΥΣ
ΕΜΜΟΝΟΥΣ ΟΡΓΑΝΙΚΟΥΣ ΡΥΠΟΥΣ**

Για σκοπούς εναρμόνισης με την πράξη της Ευρωπαϊκής Κοινότητας με τίτλο:

«Απόφαση 2004/259/ΕΚ του Συμβουλίου της 19^{ης} Φεβρουαρίου, 2004 σχετικά με τη σύναψη εξ ονόματος της Ευρωπαϊκής Κοινότητας, του Πρωτοκόλλου της Σύμβασης του 1979 για τη διασυνοριακή ατμοσφαιρική ρύπανση μεγάλης απόστασης που οφείλεται στους έμμονους οργανικούς ρύπους» (ΕΕ L81 της 19.3.2004, σ.35).

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

Συνοπτικός τίτλος: 1. Ο παρών Νόμος θα αναφέρεται ως ο περί του Πρωτοκόλλου της Σύμβασης του 1979 για τη Διαμεθοριακή Ρύπανση της Ατμόσφαιρας σε Μεγάλη Απόσταση που οφείλεται στους Έμμονους Οργανικούς Ρύπους (Κυρωτικός) Νόμος του 2004.

Ερμηνεία. 2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια:-

«Πρωτόκολλο» σημαίνει το Πρωτόκολλο της Σύμβασης της Γενεύης του 1979 για τη Διαμεθοριακή Ρύπανση της Ατμόσφαιρας σε Μεγάλη Απόσταση που οφείλεται στους Έμμονους Οργανικούς Ρύπους, το οποίο η Δημοκρατία υπέγραψε στο Άρχους της Δανίας στις 24 Ιουνίου 1998.

Κύρωση του Πρωτοκόλλου Πίνακας Μέρους I Μέρους II.

3.-(1) Με τον παρόντα Νόμο κυρώνεται το Πρωτόκολλο, του οποίου το αυθεντικό κείμενο στην Αγγλική εκτίθεται στο Μέρος I του Πίνακα και σε Ελληνική μετάφραση στο Μέρος II αυτού.

(2) Σε περίπτωση διαφοράς μεταξύ του κειμένου που εκτίθεται στο Μέρος I και εκείνου που εκτίθεται στο Μέρος II του Πίνακα υπερισχύει το κείμενο που εκτίθεται στο Μέρος I.

Αρμόδια Αρχή.

4. Αρμόδια Αρχή για την εφαρμογή στην επικράτεια της Δημοκρατίας των διατάξεων του Πρωτοκόλλου, είναι ο Υπουργός Εργασίας και Κοινωνικών Ασφαλίσεων ή οποιοσδήποτε λειτουργός του Υπουργείου του δεόντως εξουσιοδοτημένος προς τούτο από τον Υπουργό.

Πίνακας
(Άρθρο 3)
Μέρος I

**PROTOCOL TO THE 1979 CONVENTION ON LONG RANGE TRANSBOUNDARY
AIR POLLUTION ON PERSISTENT ORGANIC POLLUTANTS**

The Parties,

Determined to implement the Convention on Long-range Transboundary Air Pollution,

Recognizing that emissions of many persistent organic pollutants are transported across international boundaries and are deposited in Europe, North America and the Arctic, far from their site of origin, and that the atmosphere is the dominant medium of transport,

Aware that persistent organic pollutants resist degradation under natural conditions and have been associated with adverse effects on human health and the environment,

Concerned that persistent organic pollutants can biomagnify in upper trophic levels to concentrations which might affect the health of exposed wildlife and humans,

Acknowledging that the Arctic ecosystems and especially its indigenous people, who subsist on Arctic fish and mammals, are particularly at risk because of the biomagnification of persistent organic pollutants,

Mindful that measures to control emissions of persistent organic pollutants would also contribute to the protection of the environment and human health in areas outside the United Nations Economic Commission for Europe's region, including the Arctic and international waters,

Resolved to take measures to anticipate, prevent or minimize emissions of persistent organic pollutants, taking into account the application of the precautionary approach, as set forth in principle 15 of the Rio Declaration on Environment and Development,

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and development policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Noting the need for global action on persistent organic pollutants and recalling the role envisaged in chapter 9 of Agenda 21 for regional agreements to reduce global transboundary air pollution and, in particular, for the United Nations Economic Commission for Europe to share its regional experience with other regions of the world,

Recognizing that there are subregional, regional and global regimes in place, including international instruments governing the management of hazardous wastes, their transboundary movement and disposal, in particular the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

Considering that the predominant sources of air pollution contributing to the accumulation of persistent organic pollutants are the use of certain pesticides, the manufacture and use of certain chemicals, and the unintentional formation of certain substances in waste incineration, combustion, metal production and mobile sources,

Aware that techniques and management practices are available to reduce emissions of persistent organic pollutants into the air,

Conscious of the need for a cost-effective regional approach to combating air pollution,

Noting the important contribution of the private and non-governmental sectors to knowledge of the effects associated with persistent organic pollutants, available alternatives and abatement techniques, and their role in assisting in the reduction of emissions of persistent organic pollutants,

Bearing in mind that measures taken to reduce persistent organic pollutant emissions should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international competition and trade,

Taking into consideration existing scientific and technical data on emissions, atmospheric processes and effects on human health and the environment of persistent organic pollutants, as well as on abatement costs, and acknowledging the need to continue scientific and technical cooperation to further the understanding of these issues,

Recognizing the measures on persistent organic pollutants already taken by some of the Parties on a national level and/or under other international conventions,

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of the present Protocol,

1. "Convention" means the Convention on Long-range Transboundary Air Pollution, adopted in Geneva on 13 November 1979;
2. "EMEP" means the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe;
3. "Executive Body" means the Executive Body for the Convention constituted under article 10, paragraph 1, of the Convention;
4. "Commission" means the United Nations Economic Commission for Europe;
5. "Parties" means, unless the context otherwise requires, the Parties to the present Protocol;
6. "Geographical scope of EMEP" means the area defined in article 1, paragraph 4, of the Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Long-term Financing of the Cooperative Programme for Monitoring and Evaluation of the

Long-range Transmission of Air Pollutants in Europe (EMEP), adopted in Geneva on 28 September 1984;

7. "Persistent organic pollutants" (POPs) are organic substances that: (i) possess toxic characteristics; (ii) are persistent; (iii) bioaccumulate; (iv) are prone to long-range transboundary atmospheric transport and deposition; and (v) are likely to cause significant adverse human health or environmental effects near to and distant from their sources;
8. "Substance" means a single chemical species, or a number of chemical species which form a specific group by virtue of (a) having similar properties and being emitted together into the environment; or (b) forming a mixture normally marketed as a single article;
9. "Emission" means the release of a substance from a point or diffuse source into the atmosphere;
10. "Stationary source" means any fixed building, structure, facility, installation, or equipment that emits or may emit any persistent organic pollutant directly or indirectly into the atmosphere;
11. "Major stationary source category" means any stationary source category listed in annex VIII;
12. "New stationary source" means any stationary source of which the construction or substantial modification is commenced after the expiry of two years from the date of entry into force of: (i) this Protocol; or (ii) an amendment to annex III or VIII, where the stationary source becomes subject to the provisions of this Protocol only by virtue of that amendment. It shall be a matter for the competent national authorities to decide whether a modification is substantial or not, taking into account such factors as the environmental benefits of the modification.

Article 2

OBJECTIVE

The objective of the present Protocol is to control, reduce or eliminate discharges, emissions and losses of persistent organic pollutants.

Article 3

BASIC OBLIGATIONS

1. Except where specifically exempted in accordance with article 4, each Party shall take effective measures: