

Ο περί της Συμφωνίας για τη Διατήρηση των Κητωδών στη Μαύρη Θάλασσα, τη Μεσόγειο και την Παρακείμενη Ζώνη του Ατλαντικού (ACCOBAMS) (Κυρωτικός) Νόμος του 2005 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 21(ΙΙΙ) του 2005

**ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΦΩΝΙΑ ΓΙΑ ΤΗ ΔΙΑΤΗΡΗΣΗ ΤΩΝ ΚΗΤΩΔΩΝ
ΣΤΗ ΜΑΥΡΗ ΘΑΛΑΣΣΑ, ΤΗ ΜΕΣΟΓΕΙΟ ΚΑΙ ΤΗΝ ΠΑΡΑΚΕΙΜΕΝΗ ΖΩΝΗ ΤΟΥ
ΑΤΛΑΝΤΙΚΟΥ (ACCOBAMS)**

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

- Συνοπτικός
τίτλος. 1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Συμφωνίας για τη Διατήρηση των Κητωδών στη Μαύρη Θάλασσα, τη Μεσόγειο και την Παρακείμενη Ζώνη του Ατλαντικού (ACCOBAMS) (Κυρωτικός) Νόμος του 2005.
- Ερμηνεία. 2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια -
- «Συμφωνία» σημαίνει τη Συμφωνία για τη Διατήρηση των Κητωδών στη Μαύρη Θάλασσα, τη Μεσόγειο και την Παρακείμενη Ζώνη του Ατλαντικού (ACCOBAMS), η οποία υπογράφηκε την 24^η Νοεμβρίου 1996, στο Μονακό.
- Κύρωση της Συμφωνίας. 3.-(1) Με τον παρόντα Νόμο κυρώνεται η Συμφωνία της οποίας η υπογραφή εγκρίθηκε με την Απόφαση του Υπουργικού Συμβουλίου με Αριθμό 60.757 και ημερομηνία 8/9/04, της οποίας το αυθεντικό κείμενο στην αγγλική εκτίθεται στο Μέρος Ι του Πίνακα και σε ελληνική μετάφρασή του εκτίθεται στο Μέρος ΙΙ του Πίνακα:
- Πίνακας,
Μέρος Ι,
Μέρος ΙΙ.
- Νοείται ότι, σε περίπτωση διαφοράς μεταξύ των δύο κειμένων, υπερισχύει το κείμενο που εκτίθεται στο Μέρος Ι του Πίνακα.
- Αρμόδια Αρχή. 4. Για τους σκοπούς εφαρμογής της Συμφωνίας, ως αρμόδια αρχή ορίζεται ο Υπουργός Γεωργίας, Φυσικών Πόρων και Περιβάλλοντος και οποιοδήποτε άλλο πρόσωπο δεόντως εξουσιοδοτούμενο από τον Υπουργό προς το σκοπό αυτό.
- Έκδοση Κανονισμών. 5. Το Υπουργικό Συμβούλιο δύναται να εκδίδει Κανονισμούς για την καλύτερη εφαρμογή της Συμφωνίας και του παρόντος Νόμου, καθώς και για τον καθορισμό οποιουδήποτε θέματος το οποίο χρήζει ή είναι δεκτικό καθορισμού, οι οποίοι κατατίθενται στη Βουλή των Αντιπροσώπων προς έγκριση.

ΠΙΝΑΚΑΣ

(Άρθρο 3)

Μέρος Ι

**AGREEMENT ON THE CONSERVATION OF CETACEANS
OF THE BLACK SEA, MEDITERRANEAN SEA AND
CONTIGUOUS ATLANTIC AREA**

The Parties,

Recalling that the Convention on the Conservation of Migratory Species of Wild Animals, 1979, encourages international co-operative action to conserve migratory species;

Recalling further that the third meeting of the Conference of the Parties to the Convention, held in Geneva in September 1991, urged Range States to collaborate with a view to concluding, under the Convention's auspices, a multilateral agreement for the conservation of small cetaceans of the Mediterranean and Black Seas;

Recognizing that cetaceans are an integral part of the marine ecosystem which must be conserved for the benefit of present and future generations, and that their conservation is a common concern;

Recognizing the importance of integrating actions to conserve cetaceans with activities related to the socio-economic development of the Parties concerned by this Agreement, including maritime activities such as fishing and the free circulation of vessels in accordance with international law;

Aware that the conservation status of cetaceans can be adversely affected by factors such as degradation and disturbance of their habitats, pollution, reduction of food resources, use and abandonment of non-selective fishing gear, and by deliberate and incidental catches;

Convinced that the vulnerability of cetaceans to such threats warrants the implementation of specific conservation measures, where they do not already exist, by States or regional economic integration organizations that exercise sovereignty and/or jurisdiction over any part of their range, and by States, flag vessels of which are engaged outside national jurisdictional limits in activities that may affect the conservation of cetaceans;

Stressing the need to promote and facilitate co-operation among States, regional economic integration organizations, intergovernmental organizations and the non governmental sector for the conservation of cetaceans of the Black Sea, Mediterranean Sea, the waters which interconnect these seas, and the contiguous Atlantic area;

Convinced that the conclusion of a multilateral agreement and its implementation through co-ordinated, concerted actions will contribute significantly to the conservation of cetaceans and their habitats in the most efficient manner, and will have ancillary benefits for other species;

Acknowledging that, despite past or ongoing scientific research, knowledge of the biology, ecology, and population dynamics of cetaceans is deficient, and that it is necessary to develop co-operation for research and monitoring of these species in order to fully implement conservation measures;

Acknowledging further that effective implementation of such an agreement will require that assistance be provided, in a spirit of solidarity, to some Range States for research, training, and monitoring of cetaceans and their habitats, as well as for the establishment or improvement of scientific and administrative institutions;

Recognizing the importance of other global and regional instruments of relevance to the conservation of cetaceans, signed by many Parties, such as the International Convention for the Regulation of Whaling, 1946; the Convention for the Protection of the Mediterranean Sea against Pollution, 1976, its related protocols and the Action Plan for the Conservation of Cetaceans in the Mediterranean Sea adopted under its auspices in 1991; the Convention on the Conservation of European Wildlife and Natural Habitats, 1979; the United Nations Convention on the Law of the Sea, 1982; the Convention on Biological Diversity, 1992; the Convention for the Protection of the Black Sea against Pollution, 1992; and the Global Plan of Action for the Conservation, Management and Utilization of Marine Mammals of the United Nations Environment Programme, adopted in 1984; as well as initiatives of *inter alia* the General Fisheries Council for Mediterranean, the International Commission for Scientific Exploration of the Mediterranean, and the International Commission for the Conservation of Atlantic Tunas,

Have agreed as follows:

Article I Scope, Definitions and Interpretation

1. a) The geographic scope of this Agreement, hereinafter referred to as the "Agreement area", is constituted by all the maritime waters of the Black Sea and the Mediterranean and their gulfs and seas, and the internal waters connected to or interconnecting these maritime waters, and of the Atlantic area contiguous to the Mediterranean Sea west of the Straits of Gibraltar. For the purpose of this Agreement:
 - the Black Sea is bounded to the southwest by the line joining Capes Kelaga and Dalyan (Turkey);
 - the Mediterranean Sea is bounded to the east by the southern limits of the Straits of the Dardanelles between the lighthouses of Mehmetcik and Kumkale (Turkey) and to the west by the meridian passing through Cape Spartel lighthouse, at the entrance to the Strait of Gibraltar; and
 - the contiguous Atlantic area west of the Strait of Gibraltar is bounded to the east by the meridian passing through Cape Spartel lighthouse and to the west by the line joining the lighthouses of Cape St. Vicente (Portugal) and Casablanca (Morocco).
- b) Nothing in this Agreement nor any act adopted on the basis of this Agreement shall prejudice the rights and obligations, the present and future claims or legal views of any State relating to the law of the sea or to the Montreux Convention of 20 July 1936 (*Convention concernant le régime des détroits*), in particular the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, freedom of navigation on the high seas, the right and the modalities of passage through straits used for international navigation and the right of innocent

passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State and the port State.

- c) No act or activity undertaken on the basis of this Agreement shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.
2. This Agreement applies to all cetaceans that have a range which lies entirely or partly within the Agreement area or that accidentally or occasionally frequent the Agreement area, an indicative list of which is contained in Annex 1 to this Agreement.
 3. For the purpose of this Agreement:
 - a) "Cetaceans" means animals, including individuals, of those species, subspecies or populations of *Odontoceti* or *Mysticeti*;
 - b) "Convention" means the Convention on the Conservation of Migratory Species of Wild Animals, 1979;
 - c) "Secretariat of the Convention" means the body established under Article IX of the Convention;
 - d) "Agreement secretariat" means the body established under Article III, paragraph 7, of this Agreement;
 - e) "Scientific Committee" means the body established under Article III, paragraph 7, of this Agreement;
 - f) "Range" means all areas of water that a cetacean inhabits, stays in temporarily, or crosses at any time on its normal migration route within the Agreement area.
 - g) "Range State" means any State that exercises sovereignty and/or jurisdiction over any part of the range of a cetacean population covered by this Agreement, or a State, flag vessels of which are engaged in activities in the Agreement area which may affect the conservation of cetaceans;
 - h) "Regional economic integration organization" means an organization constituted by sovereign States which has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Agreement;
 - i) "Party" means a Range State or a regional economic integration organization for which this Agreement is in force;
 - j) "Subregion", depending on the particular context, means either the region comprising the coastal States of Black Sea or the region comprising the coastal States of the Mediterranean Sea and the contiguous Atlantic area; any reference in the Agreement to the States of a particular subregion shall be taken to mean the States which have any part of their territorial waters within

that subregion, and States, flag vessels of which are engaged in activities which may affect the conservation of cetaceans in that subregion; and

- k) "Habitat" means any area in the range of cetaceans where they are temporarily or permanently resident, in particular, feeding areas, calving or breeding grounds, and migration routes.

In addition, the terms defined in Article I, subparagraphs 1 a) to e), and i) of the Convention shall have the same meaning, *mutatis mutandis*, in this Agreement.

4. This Agreement is an agreement within the meaning of Article IV, paragraph 4, of the Convention.
5. The annexes to this Agreement form an integral part thereof, and any reference to the Agreement includes a reference to its annexes.

Article II Purpose and Conservation Measures

1. Parties shall take co-ordinated measures to achieve and maintain a favourable conservation status for cetaceans. To this end, Parties shall prohibit and take all necessary measures to eliminate, where this is not already done, any deliberate taking of cetaceans and shall co-operate to create and maintain a network of specially protected areas to conserve cetaceans.
2. Any Party may grant an exception to the prohibition set out in the preceding paragraph only in emergency situations as provided for in Annex 2, paragraph 6, or, after having obtained the advice of the Scientific Committee, for the purpose of non-lethal *in situ* research aimed at maintaining a favourable conservation status for cetaceans. The Party concerned shall immediately inform the Bureau and the Scientific Committee, through the Agreement secretariat, of any such exception that has been granted. The Agreement secretariat shall inform all Parties of the exception without delay by the most appropriate means.
3. In addition, Parties shall apply, within the limits of their sovereignty and/or jurisdiction and in accordance with their international obligations, the conservation, research and management measures prescribed in Annex 2 to this Agreement, which shall address the following matters:
 - a) adoption and enforcement of national legislation;
 - b) assessment and management of human-cetacean interactions;
 - c) habitat protection;
 - d) research and monitoring;
 - e) capacity building, collection and dissemination of information, training and education; and