

REPUBLIC



OF CYPRUS

64(I) of 2004

THE EXCLUSIVE ECONOMIC ZONE LAW, 2004

(English translation)

**Office of the Law Commissioner
Nicosia,
January, 2010**

**ΓΕΝ (Α) – L.97
1**

ISBN 978-9963-664-22-

NICOSIA

PRINTED AT THE PRINTING OFFICE OF THE REPUBLIC OF CYPRUS

Price:

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NOTE FOR THE READER

This publication of the Office of the Law Commissioner is an English translation of Law No. 64(I) of 2004 enacted in Greek.

However useful the English translation of the Law is in practice, it does not replace the original text of the Law since only the Greek text of the Law published in the Official Gazette of the Republic is authentic.

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Number 64(I) of 2004

A LAW TO PROVIDE FOR THE PROCLAMATION OF THE EXCLUSIVE ECONOMIC ZONE BY THE REPUBLIC OF CYPRUS

The House of Representatives enacts as follows:

Short
title.

1. This Law may be cited as the Exclusive Economic Zone Law, 2004.

Interpretation.

2.–(1) In this Law, unless the context otherwise requires–

203 of 1988.

“Convention” means the United Nations Convention on the Law of the Sea which was ratified by the United Nations Convention on the Law of the Sea (Ratification) Law, 1988;

“Court” means the Court as defined in section 10;

“Director” means the Director of the Department of Fisheries and Marine Research of the Ministry of Agriculture, Natural Resources and Environment;

“Exclusive Economic Zone” means a zone beyond and adjacent to the territorial sea of the Republic the limits of which are defined in section 3;

“living resources” include fish and any other living organisms, except for the sedentary species as defined in article 77 of the Convention;

“Minister” means the Minister of Agriculture, Natural Resources and Environment and any other person, generally or specifically authorised for the purpose;

“nautical mile” means the distance of one thousand

eight hundred and fifty two meters;

“non-living resources” means the mineral and other non-living resources of the sea-bed or its subsoil;

“Republic” means the Republic of Cyprus.

(2) Terms not otherwise defined in this section, shall have the meaning assigned to them by the Convention and in case of conflict between this Law and the Convention, the interpretation of the Convention shall prevail.

Proclamation
and
delimitation of
the Exclusive
Economic
Zone.

3.–(1) By this Law, there shall be proclaimed an Exclusive Economic Zone, the outer limit of which shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured in accordance with the Convention.

(2) In case where any part of the Exclusive Economic Zone overlaps with part of the Exclusive Economic Zone of any other State with opposite coasts to those of the Republic, the delimitation of the Exclusive Economic Zone of the Republic and of the other State shall be effected by agreement between them; in the absence of an agreement, the delimitation of this zone shall not extend beyond the median line or the equidistance line from the respective baselines from which the breadth of the territorial sea is measured.

(3) The exact limits of the Exclusive Economic Zone shall, from time to time, be made public, by a notification of the Minister of Foreign Affairs to be published in the Official Gazette of the Republic as these limits will be shaped according to the specific areas and the possible delimitation

agreements, in accordance with the provisions of subsections (1) and (2).

Rights and jurisdiction in the Exclusive Economic Zone.

4.–(1) In the Exclusive Economic Zone the Republic has:

(a) Sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy by the water, currents and winds;

(b) jurisdiction with regard to–

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

(iii) the protection and preservation of the marine environment;

(c) other rights and duties provided for in the Convention.

(2) The rights set out in this section with respect to the sea-bed and subsoil shall be exercised in accordance with Part VI of the Convention – Provisions as to the Continental Shelf.

Rights and duties of other

5.–(1) In exercising its rights and performing its duties

states in the Exclusive Economic Zone.

under this Law and the provisions of the Convention in the Exclusive Economic Zone, the Republic shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of the Convention.

(2) In the Exclusive Economic Zone of the Republic, the other States shall enjoy the rights and shall be subject to the obligations provided for by the Convention. In exercising their rights and performing their duties they shall have due regard to the rights and duties of the Republic and shall comply with the laws and Regulations adopted by the Republic in accordance with the provisions of the Convention and rules of International Law, in so far as they are not incompatible with the relevant part of the Convention.

Conservation of the living resources.

6. The Minister may, by Order published in the Official Gazette of the Republic, determine the allowable catch and species of living resources which may be caught in the Exclusive Economic Zone.

Exploration and exploitation of the living resources.

7.-(1) No person shall have the right to explore for or exploit the living resources in the Exclusive Economic Zone, except in the cases where a license is given by the Minister under this or any other Law or Regulation or by the Director under the Fisheries Law.

Cap. 135.
44 of 1961
109 of 1968
2 of 1970
9 of 1972
19 of 1981
210 of 1987
170 of 1990
22(I) of 1994
102(I) of 2000
61(I) of 2001.

(2) (a) Any person contravening the provisions of

subsection (1) of this section, shall commit an offence and shall be liable on conviction to a fine not exceeding one hundred seventy thousand and eighty six hundred euros* (€170.860) or to a term of imprisonment not exceeding three years or to both such penalties. In the case of a second or subsequent conviction, the said person shall be liable to a fine not exceeding three hundred forty one thousand and seven hundred twenty euros* (€341.720) or to a term of imprisonment not exceeding five years or to both such penalties.

(b) The Court may, in addition to any penalty it may impose pursuant to paragraph (a) of this subsection, order the confiscation of any vessel, object, equipment or material, including any catch, used or caught during the commission of such an offence.

Exploration and exploitation of the non-living resources.

8.-(1) No person shall have the right to explore for or exploit the non-living resources in the Exclusive Economic Zone, except in the cases where a license is given by the Council of Ministers under this Law or by any other competent authority under another law or regulation.

(2) (a) Any person contravening the provisions of subsection (1), shall commit an offence and shall be liable on conviction to a fine not exceeding four hundred twenty seven thousand and one hundred fifty euros* (€ 427,150) or to a term of imprisonment not exceeding five years or to both such penalties. In the case of a second or subsequent conviction, the said person shall be liable to a fine not

* P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 (L. 33(I) of 2007, as amended)

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exceeding eight hundred fifty four thousand and three hundred euros* (€854,300) or to a term of imprisonment not exceeding ten years or to both such penalties.

(b) The Court may, in addition to any penalty it may impose pursuant to paragraph (a) of this subsection, order the confiscation of any vessel, object, equipment or material, including the actual non-living resources, used or caught during the commission of such an offence.

Criminal liability of officers of the body corporate.

9. When an offence is committed by a body corporate in contravention of the provisions of this Law and it is proved that this offence has been committed with the consent or tolerance or due to the negligence of any managing director, director, secretary or any other officer of the body corporate, the said person as well as the body corporate shall be guilty of such an offence.

Exclusive jurisdiction of the Court.

10. The District Court of Nicosia or the Assize Court, according to the seriousness of the offence, sitting in Nicosia, shall have exclusive jurisdiction to try all offences committed in contravention of the provisions of this Law and to impose any penalty provided for by this Law or any Regulations made thereunder.

Regulations.

11.–(1) The Council of Ministers may make Regulations for the better carrying into effect of the provisions of this Law.

(2) Without prejudice to the generality of subsection (1), the said Regulations may relate to any or all of the following purposes, that is–

- (a) the conservation of the living resources in the Exclusive Economic Zone;
- (b) the protection of the environment in this Zone;
- (c) concerning foreign vessels, the regulation of fishing areas, the types, size and amount of gear, and the types, size and amount of fishing vessels that may be used;
- (d) the regulation of matters pertaining to marine scientific research;
- (e) the authority of boarding on foreign vessels, inspecting arrest and confiscation for securing compliance with the laws relating to the exercise of the sovereign rights of the Republic; and
- (f) the licensing procedure applicable to the Exclusive Economic Zone.

Entry into force
of this Law.

12. This Law shall come into force on the 21.3. 2003.