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PROTOCOL

of the meeting of delegations covering the amendment of the Agreement between the Governments of the Republic of Cyprus and the Union of Soviet Socialist Republics on Merchant Shipping

Upon a mutual agreement, delegations of the Republic of Cyprus and of the Ministry of Merchant Marine of the Union of Soviet Socialist Republics met in Nicosia from 18th to 21st December, 1989 for the purpose of conducting negotiations for the amendment of the Bilateral Agreement in the Field of Merchant Shipping between their two countries.

The composition of the two delegations was as follows:

The delegation of the Republic of Cyprus

N. Symeonides,	Director General, Ministry of Communications and Works
S. S. Serghiou,	Director, Department of Merchant Shipping
A. Patzinakos,	Principal Administrative Officer, Ministry of Communications and Works
E. Vassiliadou (Mrs)	Administrative Officer, Ministry of Communications and Works
P. Eliades,	Attache, Ministry of Foreign Affairs
F. Parresiadou (Mrs)	Senior Counsel of the Republic, Attorney General's Office

The delegation of the U.S.S.R. Ministry of Merchant Marine

V. G. Shinkarenko,	Deputy Director, Directorate of External Relations, U.S.S.R. Ministry of Merchant Marine
D. G. Vavilov,	Deputy Director, Directorate of Personnel, U.S.S.R. Ministry of Merchant Marine
G. N. Zakharov,	Senior Legal Adviser, Directorate of Contractual and Legal Work, U.S.S.R. Ministry of Merchant Marine

A. Kolodkin, Senior Expert, Directorate of External Relations, U.S.S.R. Ministry of Merchant Marine

S. Sibirtsev, U.S.S.R. Merchant Marine Ministry, Representative in the Republic of Cyprus

The two delegations agreed that the following amendments of the existing Agreement on Merchant Shipping between their countries, which are attached as Appendices to this Protocol, could be made:

The existing Article 5 is substituted by a new Article 5 as shown in Appendix 1.

Paragraph 1 of the existing Article 9 is substituted by a new paragraph 1 as shown in Appendix 2.

At the end of the existing Article 12, the following sentence is added:

"For this purpose the Contracting Parties shall encourage, support and facilitate cooperation in the field of maritime training between their appropriate training institutions and agencies".

A new Article 14 is inserted as shown in Appendix 3.

A new Article 15 is inserted, as shown in Appendix 4.

The existing Article 14 is renumbered as Article 16 and is amended as follows:

"Except for the cases provided for in Paragraph 2 of Article 14 of the present Agreement the judicial authorities of a Contracting Party shall not entertain proceedings arising

out of a contract of employment as a member of the crew of a vessel of the other Contracting Party without the request of the competent diplomatic or consular official of the flag state."

. The existing Article 15 is renumbered as Article 17.

. The second paragraph of the existing Article 5 is inserted as the new Article 18.

. The existing Article 16 is renumbered as Article 19.

. The existing Article 17 is renumbered as Article 20.

. The existing Article 18 is renumbered as Article 21.

. A new Article 22 is inserted as shown in Appendix 5.

. The existing Article 19 is renumbered as Article 23.

The Soviet delegation informed the Cypriot delegation that the above amendments would be reported to the Minister of Merchant Marine of the U.S.S.R. for the purpose of deciding, after consultation and with the consent of other competent authorities, to submit to the Council of Ministers of the U.S.S.R. a proposal to approve these amendments.

The Cypriot delegation also informed the Soviet delegation that a similar procedure would be followed by their side.

The Cypriot delegation informed its Soviet counterpart that the certificates of competency issued by the competent authorities of the U.S.S.R. are recognised by Cyprus as from 8th December 1939. The relevant notification as published in the Official Gazette of the Republic is attached as Appendix 6.

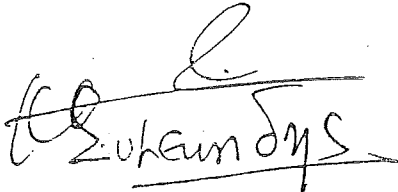
The Cypriot delegation also informed the Soviet delegation that Cyprus has ratified the U.N. Convention on the Law of the Sea, 1982 by law 203 of 1988 and that in accordance with section 169 of its Constitution, its provisions prevail over any domestic law. The relevant ratification law is attached as Appendix 7.

The Soviet delegation taking into consideration the above information undertook to submit, through the diplomatic channels to the Cypriot Authorities, by the 20th January 1990, their proposals concerning exemptions from coastal state jurisdiction, to be included in the Agreement.

The talks were held in the traditional spirit of friendliness, mutual understanding and cooperation.

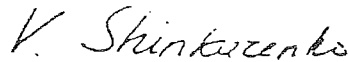
Done in Nicosia on 21st December 1989 in two copies in English

Head of the Delegation of the
Republic of Cyprus



(N. Symeonides)

Head of the Delegation
of the U.S.S.R.
Ministry of Merchant Marine



(V. G. Shinkarenko)

Appendix 1

Article 5

1. Each Contracting Party shall afford to vessels of the other Contracting Party the same treatment as it affords to its own vessels engaged in international voyages in respect of free access to ports, use of ports for loading and unloading of cargoes and for embarking and disembarking passengers, payment of tonnage and other dues and taxes, exercising normal commercial operations and use of services related to navigation.

2. The provisions of paragraph 1 of this Article:

a) shall not apply to ports not open to the entry of foreign vessels;

b) shall not apply to the activities reserved by each of the Contracting Parties for their organizations or enterprises including, in particular, national cabotage;

c) shall not oblige a Contracting Party to extend to vessels of the other Contracting Party exemptions from compulsory pilotage requirements granted to its own vessels;

d) shall not affect the regulations concerning entry and stay of foreigners.

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Appendix 2

Article 9, paragraph 1

Holders of the seamen's identity documents specified in Article 8 of the present Agreement, being members of the crew, are permitted to stay for temporary shore leave, without visas, during the stay of the vessel in a port of the other Contracting Party, provided the master has submitted the crew list to the competent authorities in accordance with the regulations in force in that port.

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Article 14

1. Shipowners of each Contracting Party may engage duly qualified nationals of the other Contracting Party as members of the crew of their vessels. The terms of employment of such nationals shall be approved by the competent authority and/or the national seafarers' unions or associations of the state of the crew members' nationality and shall be stated on their contracts of employment. Each Contracting Party shall exert its best efforts to ensure that these terms of employment are adhered to.

In case of a breach of the contract of employment each Contracting Party shall take all appropriate measures, in accordance with the national legislation, to ensure compliance.

2. Any dispute arising out of the respective contract of employment shall be subject to the law and jurisdiction of the state of the seafarer's nationality.

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Appendix 5

Article 22

If either of the Contracting Parties considers it desirable to modify the provisions of this Agreement or supplement additional provisions, it may request consultations with the other Contracting Party. The agreed modifications or supplements will become effective after they have been confirmed by an exchange of notes through diplomatic channels.

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Appendix 4

Article 15

1. In the event of a collision or any other incident of navigation concerning a vessel of the one Contracting Party on the high seas, involving the penal responsibility of the master or of any other member of the crew of the vessel, being a national of the other Contracting Party, penal proceedings against such a person may be instituted only before the judicial authorities of the state of the member's of the crew nationality.

2. In the event of any offence committed on the high seas by a national of the one Contracting Party, employed as a member of the crew on a vessel of the other Contracting Party, against the person or property of another member of the crew of the same nationality, any proceedings against such a person may be instituted only before the judicial authorities of the state of the members' of the crew nationality.

Any disciplinary proceedings against members of the crew may be instituted only before the competent authorities of the state of their nationality.

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Ε.Ε. Παρ.ΙΙΙ (Ι)
Αρ. 2465, 15.12.89
Αριθμός 329

Κ.Δ.Π. 329/89

ΟΙ ΠΕΡΙ ΕΜΠΟΡΙΚΗΣ ΝΑΥΤΙΛΙΑΣ (ΠΛΟΙΑΡΧΟΙ ΚΑΙ ΝΑΥΤΙΚΟΙ)
ΝΟΜΟΙ ΤΟΥ 1963 ΕΩΣ 1984

Διάταγμα δυνάμει τού άρθρου 4(2)

Ο Υπουργός Συγκοινωνιών και Έργων, ασκώντας τις εξουσίες που έχει το Υπουργικό Συμβούλιο δυνάμει τού εδαφίου (2) τού άρθρου 4 τών περί Εμπορικής Ναυτιλίας (Πλοίαρχοι και Ναυτικοί) Νόμων τού 1963 έως 1984, που έχουν εκχωρηθεί σ'αυτόν με τις Αποφάσεις τού Συμβουλίου με αρ. 10.092 και 22.375 και ημερομ. 19.11.1970 και 4.11.1982, αντίστοιχα, με το παρόν Διάταγμα κηρύσσει τα πιστοποιητικά που παρέχονται στους πλοίαρχους και ναυτικούς από τις αρμόδιες αρχές τής Σοβιετικής Ένωσης και της Λαοκρατικής Δημοκρατίας τής Γερμανίας, ως αναγνωρισμένα πιστοποιητικά για τους σκοπούς τών πιο πάνω Νόμων.

Έγινε στις 8 Δεκεμβρίου, 1989

021.

ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ

ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

Αρ. 2363 τής 14ης ΝΟΕΜΒΡΙΟΥ 1988

ΝΟΜΟΘΕΣΙΑ

της Σύμβασης των Ηνωμένων Εθνών για το Δίκαιο της Θάλασσας (Κυρωτικός) Νόμος του 1988 εκδίδεται με δημοσίευση στην επίσημη Έκδοση της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος

Αριθμός 203 του 1988

ΝΟΜΟΣ ΚΥΡΩΝ ΤΗ ΣΥΜΒΑΣΗ ΤΩΝ ΗΝΩΜΕΝΩΝ ΕΘΝΩΝ ΓΙΑ ΤΟ ΔΙΚΑΙΟ ΤΗΣ ΘΑΛΑΣΣΑΣ

Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

Ο παρών Νόμος θα αναφέρεται ως ο περί Σύμβασης των Ηνωμένων Εθνών για το Δίκαιο της Θάλασσας (Κυρωτικός) Νόμος του 1988.

Στον παρόντα Νόμο:

"Σύμβαση" σημαίνει τη Σύμβαση των Ηνωμένων Εθνών για το Δίκαιο της Θάλασσας, η οποία έγινε στο Montego Bay στις 10 Δεκεμβρίου 1982, της οποίας το κείμενο εκ του αγγλικού πρωτοτύπου εκτίθεται στο Μέρος I του Πίνακα παρόντος Νόμου και σε ελληνική μετάφραση στο Μέρος II του ίδιου Πίνακα:

Επίσης ορίζεται ότι σε περίπτωση αντίφασης μεταξύ των κειμένων αυτών θα υπερισχύει το κείμενο του αγγλικού πρωτοτύπου.

Ο παρών Νόμος κυρώνεται η Σύμβαση και η υπογραφή εκ μέρους της Κυπριακής Δημοκρατίας αποφασίσθηκε από το Υπουργικό Συμβούλιο με την Απόφασή του με Αρ. 22.466 και η οποία έγινε στις 25 Νοεμβρίου, 1988.

Συνοπτικός τίτλος.

Ερμηνεία.

Πίνακας
Μέρος I
Μέρος II.

Κύρωση της Σύμβασης.