

THE SUBMARINE CABLES REGULATIONS OF 2014*

THE EXCLUSIVE ECONOMIC ZONE AND THE CONTINENTAL SHELF LAWS OF 2004 AND
2014

Regulations pursuant to section 11(2) (f), (h) and 11(3)

64(I) of 2004
of 2014. The Council of Ministers, in exercising the powers accorded to it by paragraphs (f) and (h) of subsection (2) and subsection (3) of section 11 of the Exclusive Economic Zone and Continental Shelf Laws of 2004 and 2014, issues the following Regulations.

Short
title.

1. These Regulations shall be referred to as the Submarine Cables Regulations of 2014.

(2) The representative of the Minister of Communications and Works [*now* Minister of Transport, Communications and Works] is designated as the chairman of the Committee and has the following responsibilities:

- (a) convenes the meetings and directs the proceedings of the Committee; and
- (b) draws up the agenda for each meeting of the Committee and communicates it to each member of the Committee at least seven (7) days before the scheduled date of the meeting.

(3) Any matter regarding the internal operation of the Committee is regulated by a relevant decision thereof, made by absolute majority.

(4) The Committee has the following competencies:

- (a) examines the content of the application for the laying, use or operation of cables in the Exclusive Economic Zone and/or the Continental Shelf of the Republic;
- (b) conducts a hearing regarding the content of the application, where it considers this necessary;
- (c) consults the competent authority and the Ministers referred to in paragraph (8) of Regulation 6 in relation to the issuance or non-issuance of the licence, and proposes terms and conditions for the execution of the relevant works and operation;
- (d) approves the agenda of its meetings;
- (e) calls to any meeting and/or consults any public servant or employee of public or private law body, as well as any person whose views or expertise on a particular issue may be deemed useful or necessary to its work.

Application for
licence.

140() of 2013.

96() of 2014.

140() of 2005
42(

applicant to a hearing before it.

(4) For purposes of examining the route of the cable, the Committee consults with the Director of the Department of Lands and Surveys of the Ministry of Interior, the Director of the Department of Public Works and the Director of the Department of Antiquities of the Ministry of Transport, Communications and Works [*now* Ministry of Transport, Communications and Works], and/or any other authority or person it considers appropriate, regarding the position and protection of:

(a) existing pipelines and/or cables and/or other existing or expected or planned installations or other works; and

(b) antiquities in the Exclusive Economic Zone and/or the Continental Shelf of the Republic.

Affairs, the Minister of Defence, the Minister of Energy, Commerce, Industry and Tourism and the Minister of Agriculture, Natural Resources and Environment [*now* Minister of Agriculture, Rural Development and Environment]:

It is provided that the licence for the laying, use and/or operation of the cable is issued provided that an environmental approval has been issued by the environmental authority, as well as a licence is granted pursuant to the Convention for the Protection of the Mediterranean Sea against Pollution and Related Protocols (Ratification) Law of 1979, as amended or replaced from time to time, where the said Laws are applicable.

51 of 1979
20(III) of 2001
35(III) of 2007
2(III) of 2013.

Reasons for
rejecting the
application.

7. The competent authority may reject the application regarding the laying, use and/or operation of the cable in the Exclusive Economic Zone and/or the Continental Shelf of the Republic, for any of the following reasons:

(a) the application contains information which is inaccurate or false or does not contain all the information referred to in paragraph (3) of Regulation 5;

(b) national security and/or public interest; and

(c) in case where part of the cable is proposed to be laid, used and/or operate within the territorial sea and/or the territory of the Republic and the laying, use and/or operation of such part is not permitted pursuant to the applicable legislation of the Republic.

Terms of Licence.

8.-(1) The competent authority may impose terms and conditions into the licence, including the following:

(a) the duration of the licence;

(b) the persons authorised to carry out the works and/or put into operation the cable;

(c) the route of the cable;

(d) the geographic limits within which the works shall be carried out;

(e) the design, the purpose and the operation of the cable;

(f) the measures to be taken in order to avoid or reduce the interference to the exploration and exploitation by the Republic of its natural resources, to fishing or to other marine activities;

(g) the measures to be taken for the prevention, reduction and control of pollution of the environment from the cable, including also the regular maintenance of the cable;

(h)
which may be caused by the laying, use or operation of the cable;

(i) any actions the licensee shall not be entitled to perform in re5.58 27t0 0 1

the part of the cable which is proposed to be laid, used and/or operate within the territorial sea, pursuant to the legislation of the Republic, which applies to this maritime zone.

| | |
|--|--|
| Notification of change. | <p>9.-(1) The licensee is obliged to immediately notify the competent authority of any change in the works or in relation to the ship used.</p> <p>(2) The competent authority, if it considers that the change is material, notifies in this regard the Committee and the Committee may examine the said change and either propose to the competent authority the alteration of the terms of the licence or the termination of the licence, depending on the case. In such case, the competent authority may alter the terms of the licence or terminate the licence.</p> |
| Inspection. | <p>10. The licensee is obliged to comply with any requirement of the authorities of the Republic for inspection of the works during the laying or repair and/or maintenance of the cable and for assessment of compliance with the terms of the licence issued, pursuant to the legislation in force from time to time.</p> |
| Monitoring by the authorities of the Republic. | <p>11. The licensee is obliged to daily inform the competent authorities of the Republic in relation to the position of the ship and to comply with all the notices to mariners issued by the Republic.</p> |
| Maritime safety. | <p>12.-(1) The laying and repair or maintenance works of the cable and the operation of the cable must not obstruct shipping routes.</p> <p>(2) The licensee is obliged to refer to the competent authority, for the purpose of issuing a notice to mariners.</p> |
| Locating of antiquities or ancient shipwrecks. | <p>13.-(1)) In cases where, during the carrying out of laying or repair and/or maintenance works of the cable, antiquities are located, including ancient shipwrecks, in the Exclusive Economic Zone and/or the Continental Shelf of the Republic, the licensee is obliged to immediately notify the Director of the Department of Antiquities.</p> <p>(2) The licensee is prohibited from removing or otherwise interfering with antiquities, including ancient shipwrecks, without obtaining prior licence from the Director of the Department of Antiquities.</p> |
| Suspension of works and licence. | <p>14.-(1) The competent authority may, by a reasoned decision thereof, suspend the licence issued pursuant to these Regulations or suspend the carrying out of laying, repair or maintenance works or the operation of the cable, specified therein, if:</p> <ul style="list-style-type: none">(a) the works or the operation of the cable are not carried out in accordance with the information given on the basis of paragraph (3) of Regulation 5 and/or Regulation 16; or(b) the terms set in accordance with Regulation 8 are not complied with. <p>(2) The carrying out and/or continuation of the works or the operation of the cable is prohibited during the period when the works and/or licence are under suspension as provided for by paragraph (1).</p> |
| Termination of licence. | <p>15. The competent authority may terminate the licence issued pursuant to these Regulations:</p> <ul style="list-style-type: none">(a) in case of infringement of the provisions of these Regulations;(b) in case where the existence of any of the reasons, which according to Regulation 7 would allow the rejection of the application for obtaining a |

licence, is, at any stage, established;

(c) if, after the lapse of a reasonable time, the reasons for which the laying, repair or maintenance works of the cable were suspended on the basis of Regulation 14, continue to exist;

(d) if the laying, repair or maintenance works or the operation of the cable are carried out in such a manner which differs from the manner indicated at the stage of the application by the applicant to such extent which is considered by the competent authority as a material change; and

(e) for reasons of national security and/or public interest.

Repair or
maintenance of
cable.

16. In case where the licensee or any beneficiary intends to carry out repair or maintenance works to an existing cable, the same is obliged to notify the

Damage to submarine cables.

19.-(1) A person who causes damage, intentionally or negligently, to a submarine cable commits a criminal offence and, in case of conviction, is subject to a monetary penalty not exceeding one- for each day during which the offence is committed or continued, as well as imprisonment not exceeding four (4) years or both of these penalties.

(2) A person who causes damage to a submarine cable and/or pipeline, is liable for compensation equal to the cost of repairing the damage, and such liability is additional to any other liability which may be imposed thereon, according to the laws of the Republic, regardless of whether the damage has been caused by negligence or the person has been sentenced for an offence relating to the said damage.

***NOTE TO READER**

The present document prepared by the Ministry of Foreign Affairs of the Republic of Cyprus is an English translation of the Submarine Cables Regulations of 2014 (No. 578/2014) (. . . (), . . . 4840, 23.12.2014, . . . 578/2014), issued in accordance with the Exclusive Economic Zone and the Continental Shelf Laws, 2004 and 2014 (Laws 64(I)/2004 and 97(I)/2014).

However useful the English translation of the Regulations is in practice, it does not replace the original text of the Regulations since only the Greek text of the Regulations published in the Official Gazette of the Republic shall be deemed the authentic text in any case.

The Ministry of Foreign Affairs shall not be under any liability to any person or organisation in respect of any loss or damage, including consequential loss or damage, however caused, which may be incurred or arises directly or indirectly from reliance on information in this document.

Copyright © Ministry of Foreign Affairs, Nicosia 2016.

Reproduction with reference to the source authorised without prior application.