

THE MARINE SCIENTIFIC RESEARCH REGULATIONS OF 2014*
THE EXCLUSIVE ECONOMIC ZONE AND THE CONTINENTAL SHELF LAWS OF 2004 AND
2014

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

- 64(I) of 2004
97(I) of 2014.
- The Council of Ministers, in exercising the powers accorded to it by paragraphs (d), (f) and (k) 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 Marine Scientific Research Regulations of 2014.
- Interpretation. 2.-(1) In these Regulations, unless the context otherwise requires -
- “Committee” means the Marine Scientific Research Committee, established pursuant to Regulation 4;
- “competent authority” means the Minister of Agriculture, Natural Resources and Environment [*now* Minister of Agricultural, Rural Development and Environment];
- “international organisation” means any interstate organisation, the purpose, or part of the purposes, of which is the conduct of marine scientific research;
- “Law” means the Exclusive Economic Zone and Continental Shelf Law, as amended or replaced from time to time.
- “licensee” means a person, an international organisation or a state to whom a licence is granted for the conduct of marine scientific research;
- “marine scientific research” means any research activity, which is conducted for exclusively peaceful purposes, for the purpose of increasing scientific knowledge about the marine environment, including all natural resources, toward the benefit of mankind and according to the Convention [the United Nations Convention on the Law of the Sea of 1982];
- (2) Terms which are not specifically defined in these Regulations have, the meaning assigned to them by the Law, unless the context otherwise requires.
- Application. 3.-(1) These Regulations regulate matters of marine scientific research within the Exclusive Economic Zone and/or the Continental Shelf of the Republic.
- (2) These Regulations shall be read and applied subject to the provisions of the Convention [the United Nations Convention on the Law of the Sea of 1982].
- 4(I) of 2007
126(I) of 2013
29(I) of 2014.
- (3) These Regulations do not apply in case where the Hydrocarbons (Prospecting, Exploration and Exploitation) Law of 2007, as amended or replaced from time to time, is applicable.
- Marine Scientific Research Committee. 4.-(1) For the purposes of these Regulations, the Marine Scientific Research Committee is established, which consists of the following members:
- (a) representative of the Minister of Defence;
- (b) representative of the Minister of Agriculture, Natural Resources and Environment [*now* Minister of Agricultural, Rural Development and Environment];

*See Note to Reader at the end of the text.

- (c) representative of the Minister of Energy, Trade, Industry and Tourism;
- (d) representative of the Minister of Foreign Affairs;
- (e) representative of the Minister of Communications and Works [*now* Minister of Transport, Communications and Works]; and
- (f) representative of the Minister of Education and Culture.

(2) The representative of the Minister of Agriculture, Natural Resources and Environment [*now* Minister of Agricultural, Rural Development and Environment] 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 notifies it to each member of the Committee at least seven (7) days before the scheduled date of the meeting.

(3) Any issue 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 conduct of marine scientific research;
- (b) conducts a hearing regarding the content of the application;
- (c) consults the competent authority and the Ministers referred to in paragraph (5) of Regulation 6 in relation to the issuance or non-issuance of the licence, and proposes terms and conditions for the conduct of marine scientific research;
- (d) approves the agenda of its meetings; and
- (e) calls to any meeting and consults any representative of state service or public or private law organisation, 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.

5.-(1) No person shall have the right to conduct marine scientific research in the Exclusive Economic Zone and/or the Continental Shelf of the Republic, without obtaining a prior licence from the competent authority.

Annex I.

(2) The applicant submits its application to the competent authority in a special form, which is specified in Annex I, and pays a fee of one-thousand five-hundred euro (€1.500) for the examination of the application, at least six (6) months prior to the proposed commencement date of the marine scientific research.

(3) The competent authority may, taking into account the unpredictability and the urgency of the circumstances, and acting according to the principles of transparency and equal treatment, accept for examination an application which is submitted at any time before the proposed commencement date of the marine scientific research.

(4) In case where the applicant is a natural person who does not possess the Cypriot nationality or in case where the applicant is a legal person, whose headquarters or registered office is not located in the Republic, the application is submitted to the Minister of Foreign Affairs, through the Ministry of Foreign Affairs or the diplomatic delegation of the state of nationality thereof or the state where its headquarters or registered office is located, as the case may be. The Minister of Foreign Affairs transmits the application to the competent authority.

(5) Additionally to the information requested in the special form referred to in paragraph (2), the application for the conduct of marine scientific research must contain full description of the following:

- (a) the name, address and nationality of the person conducting the research and
- (b) the name, address and nationality of the person having the scientific responsibility for the conduct of the research.

(6) In case where the person conducting the research and/or being responsible for the conduct of the research is a legal person, the following must be provided:

- (a) the name;
- (b) its state of registration and the state where it has its registered office or headquarters and its address;
- (c) information on the structure and the ownership of its capital and
- (d) the names, addresses and nationality of its directors.

Procedure of examination of the application.

6.-(1) Upon receipt of the application, the competent authority transmits copies to the members of the Committee for examination thereof.

(2) The Committee may, at any stage of the examination of the application, request from the applicant any information it considers necessary.

(3) In the context of the examination of the application, the Committee may call the applicant to a hearing before it.

(4) The Committee, within a reasonable time period, submits a comprehensive report to the competent authority and to the Ministers, referred to in paragraph (5), as well as its recommendation in relation to the issuance or non-issuance of the licence and the terms and conditions for the conduct of the marine scientific research.

(5) Subject to the provisions of Regulation 7, the licence for the conduct of marine scientific research is issued by the competent authority, upon receiving the written consent of the Minister of Foreign Affairs, the Minister of Defence, the Minister of Energy, Commerce, Industry and Tourism and the Minister of Communications and Works [*now* Minister of Transport, Communications and Works].

(6) In case where the applicant is a natural person who does not possess the Cypriot nationality or a legal person which does not have its headquarters or registered office in the Republic, the competent authority transmits the licence issued to the Minister of Foreign Affairs of the Republic, who transmits the licence to the applicant, through the diplomatic channel.

Reasons for rejecting the application.

7. The competent authority may reject the application for the issuance of licence, for the following reasons:

- (a) the marine scientific research plan:
 - (i) directly relates to the exploration and exploitation of natural resources, living or non-living, located within the Exclusive Economic Zone and/or the Continental Shelf of the Republic; or
 - (ii) involves drilling into the Continental Shelf, the use of explosives or the introduction of harmful substances into the marine environment; or
 - (iii) involves the construction, operation or use of artificial islands, installations and structures, including floating or freely-drifting structures or scientific instruments;

- (b) subject to Regulation 10, no conclusion of contract has been achieved between the Republic and the applicant;
- (c) the applicant has outstanding obligations to the Republic in relation to previous research projects, of any nature, conducted within the Republic, including the territorial sea, the Exclusive Economic Zone and/or the Continental Shelf of the Republic;
- (d) the research unjustifiably obstructs other activities of the Republic or of persons who have been licensed by the Republic in the exercising of its sovereign rights and jurisdictions;
- (e) the application includes inaccurate or incomplete information;
- (f) the marine scientific research is to be conducted by a warship; and
- (g) for reasons of national security and/or public interest.

Terms of the licence.

8. The licence issued may contain terms which the competent authority considers necessary to impose, including the following:

- (a) the right of the authorities of the Republic or other research organisations, who shall be specified in the licence, to participate to or be represented during the conduct of the research, especially on board research vessels and/or ships and other research installations, without the obligation of the Republic to contribute towards the costs of the research;
- (b) provision to the authorities of the Republic with preliminary reports, as well as the final results and conclusions after the completion of the research, within a reasonable time period specified by the competent authority;
- (c) access by the authorities of the Republic to all data and samples derived from the research, receipt of data which may be copied and samples which may be divided without detriment to their scientific value;
- (d) delivery of the evaluation of such data, samples and scientific results and provision of assistance to the authorities of the Republic by the licensee for their assessment and interpretation;
- (e) undertaking by the licensee of the obligation that the results of the research thereof shall be made internationally available, through appropriate national or international channels, as soon as practicable:

It is provided that, in case where the research directly relates to the exploration and exploitation of natural resources located within the Exclusive Economic Zone and/or the Continental Shelf of the Republic, the competent authority may, for purposes of protecting the interests of the Republic, require the conclusion of a prior agreement with the licensee regarding availability and/or publication or not of the results of the research;
- (f) undertaking by the licensee of the obligation to remove the installations or equipment used for the research, once the research is completed, unless otherwise specified;
- (g) the operation of AIS system or other system, which transmits full and correct data of the ship, for purposes of being monitored by the authorities of the Republic; and
- (h) any other terms the competent authority deems reasonable and/or necessary.

Implied licence.

9.-(1) The application for obtaining a licence for the conduct of marine scientific research is examined without unjustified delay and the said licence shall be deemed to have been issued four (4) months after the receipt of the application by the competent authority, or, in case where the latter requests additional data and/or information, after the date of receipt of the said data or information, unless

the competent authority notifies in advance the applicant that:

- (a) it has rejected the application thereof for the issuance of licence for the reasons mentioned in Regulation 7; or
- (b) the information provided is false and/or inaccurate; or
- (c) additional data and/or information is needed in relation to the data which is included in the form of the application and/or which is referred to in paragraphs (5) and (6) of Regulation 5; or
- (d) the applicant has outstanding obligations to the Republic in relation to previous research projects which were conducted within the Republic, including the territorial sea, the Exclusive Economic Zone and/or the Continental Shelf of the Republic.

(2) Anyone who secures an implied licence, according to the provisions of paragraph (1), may proceed with the conduct of the marine scientific research, two (2) months after the expiry of the four-month period.

(3) This Regulation does not apply in cases where:

- (a) the proposed marine scientific research has, directly or indirectly, in full or in part, a commercial purpose or directly relates to the exploration and/or exploitation of the natural resources located within the Exclusive Economic Zone and/or the Continental Shelf of the Republic and/or involves drilling into the seabed, the use of explosives or the introduction of harmful substances into the marine environment and/or requires the placement of marine installations, structures, platforms and/or artificial islands, including floating and/or freely-drifting structures or scientific instruments; or
- (b) the application for the conduct of marine scientific research is examined pursuant to paragraph (3) of Regulation 5.

Research for commercial purpose.

10.-(1) In case where the proposed marine scientific research has, directly or indirectly, in full or in part, a commercial purpose, the Committee negotiates with the applicant, with an aim to serve the public interest in the best possible way, for the conclusion of a contract between the Republic and the applicant, which shall specify the terms and conditions for the commercial exploitation, as well as the payment of compensation or share in profits to the Republic.

(2) The Committee acts on the basis of the principles of equal treatment, non-discrimination and transparency and may reject any such application if the approval thereof would infringe these principles.

12(I) of 2006
91(I) of 2010
40(I) of 2011
176(I) of 2011
75(I) of 2012.

(3) In case where the licence for marine scientific research is granted by public tender, the provisions of the Coordination of Procedures for the Award of Public Works Contracts, Public Supply Contracts and Public Service Contracts and for Related Matters Law of 2006, as amended from time to time, apply.

(4) The Committee does not disclose information communicated thereto by the applicant, which the latter has characterised as confidential, including, particularly, technical or commercial secrets.

(5) The contract referred to in paragraph (1) may be a proportional profit-sharing contract or a tax agreement or a combination of the two or have any other form, and shall be governed by the legislation of the Republic.

(6) The competent authority issues the licence for the conduct of marine scientific research only after concluding a contract as mentioned in paragraph (1).

Notification of change.

11.-(1) The licensee shall immediately notify the competent authority of any change in the research programme or the ship used.

	<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 propose to the competent authority the alteration of the terms of the licence or its termination, depending on the case. In such case, the competent authority may alter the terms of the licence or terminate it.</p>
Inspection.	<p>12. The licensee is obliged to comply with any request of the authorities of the Republic for inspection of the research ship or the research installation, pursuant to the legislation in force from time to time.</p>
Monitoring by the authorities of the Republic.	<p>13. 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>14.-(1) The installation and the use of installations or equipment for marine scientific research and the conduct of marine scientific research shall not obstruct the international 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>
Identification markings.	<p>15. The installations, structures, platforms, artificial islands and equipment, including floating or freely-drifting structures or scientific instruments, shall bear identification markings, indicating the State of registry or the international organisation or the scientific operator to which they belong and shall, also, have adequate internationally recognised warning signals to ensure safety at sea and in the air, taking into account rules and standards established by competent international organisations from time to time.</p>
Locating antiquities or ancient shipwrecks.	<p>16.-(1) In case where, during the conduct of the research, antiquities are located, including ancient shipwrecks, within 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 the antiquities, including ancient shipwrecks, without obtaining prior licence from the Director of the Department of Antiquities.</p>
Suspension of research and licence.	<p>17.-(1) The competent authority may, by a reasoned decision thereof, suspend the licence issued pursuant to these Regulations or prohibit the conduct of research activities specified therein, if:</p> <p>(a) the research is not conducted in accordance with the information given on the basis of paragraphs (2) and (5) of Regulation 5; or</p> <p>(b) the terms set according to Regulation 8 are not complied with.</p> <p>(2) The conduct and/or continuation of the marine scientific research is prohibited during the period when the conduct thereof and/or the licence issued are under suspension as provided in paragraph (1).</p>
Termination of the licence.	<p>18. The competent authority may terminate the licence issued pursuant to these Regulations:</p> <p>(a) in case where it is established, at any stage of the research, that one of the reasons, which according to Regulation 7 would permit the rejection of the application for obtaining a licence, exists; or</p> <p>(b) if, after the lapse of a reasonable time, the reasons for which the research has been suspended on the basis of Regulation 17, continue to exist; or</p> <p>(c) if the research is conducted in a manner other than the manner which was indicated at the stage of the application by the applicant, to such extent that it</p>

is deemed by the competent authority as a material change to the research activities.

Renewal of licence.

19.-(1) The licensee may submit an application to the competent authority for the renewal of the licence, which has been issued pursuant to these Regulations, for the continuation of the marine scientific research for which the said licence had been issued, at least one (1) month before the expiry of the validity period of the licence issued.

(2) The application referred to in paragraph (1) shall be submitted in writing and shall include a copy of the licence issued, as well as any new data or intended changes to the conduct of the marine scientific research.

(3) The competent authority transmits the application to the Committee, which examines it and consults the competent authority and the Ministers referred to in paragraph (5) of Regulation 6 on the renewal or non-renewal of the licence issued, and proposes, if deemed necessary, additional terms and conditions for the conduct of the marine scientific research.

(4) The licence issued shall be renewed by the competent authority within a reasonable time period not exceeding one (1) month from the date of submission of the renewal application, upon receiving the consent of the Ministers referred to in paragraph (5) of Regulation 6:

It is provided that, in case where it is established that the plan of the marine scientific research for which the applicant requests the renewal of the licence differs from the subject matter of the licence issued, the competent authority rejects the application for renewal.

Protection of the environment.

20. The provisions of these Regulations do not prejudice the application of the legislation which is in force in the Republic regarding the protection of the environment and do not exempt the persons who wish to conduct or who conduct research from the obligation to obtain the necessary approvals and licences provided by the said legislation for the conduct of this research, as well as the obligation to comply with that legislation during the conduct of the marine scientific research.

Offences and penalties.

21.-(1) Infringement by any person of the mandatory and/or the prohibitive provisions of these Regulations or the terms and conditions of the licence issued constitutes an offence and, in case of conviction, that person is subject to monetary penalty not exceeding the amount of one-hundred thousand euros (€100.000) for each day during which the offence is committed or continued, or to imprisonment for a period not exceeding four (4) years or to both of these penalties.

(2) When an offence is committed in breach of these Regulations or the terms of the licence issued and this offence is proved to have been committed with the consent or tolerance, or is due to the negligence, of any director, manager, secretary or other officer of a legal person, this person and the legal person are guilty of this offence and are subject to the penalties provided for in paragraph (1).

***NOTE TO READER**

The present document, including its Annex, prepared by the Ministry of Foreign Affairs of the Republic of Cyprus, is an English translation of the Marine Scientific Research Regulations of 2014 (No. 577/2014) (Ε.Ε. Παρ. ΙΙΙ(Ι), Αρ. 4840, 23.12.2014, Κ.Δ.Π. 577/2014), issued in accordance with the Exclusive Economic Zone and the Continental Shelf Laws, 2004 and 2014 (Laws 64(Ι)/2004 and 97(Ι)/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.

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Annex I
Regulation 5(2)
SPECIAL FORM

Application for licence to conduct Marine Scientific Research

Date: _____

1. General Information

1.1 Name and/or IMO number of the ship:	
1.2 Sponsoring institution(s):	
Name:	
Address:	
Name of Director:	
1.3 Scientist in charge of the project:	
Name:	
Country:	
Affiliation:	
Address:	
Telephone:	
Fax:	
Email:	
Website (for CV and photo):	
1.4 Entity(ies)/Participant(s) from coastal State involved in the planning and/or the implementation of the project:	
Name:	
Affiliation:	
Address:	
Telephone:	
Fax:	
Email:	
Website (for CV and photo):	

2. Description of Project

2.1 Nature and objectives of the project:
2.2 If designated as part of a larger scale project, provide the name of the project and the organization responsible for coordinating the project:

2.3 Relevant previous or future research projects:
2.4 Previous publications relating to the project:
2.5 If the proposed marine scientific research will be conducted for commercial purposes, either directly or indirectly, in whole or in part, provide:
(i) the type and the method of commercial exploitation:
(ii) in case of disposal of data or of another transaction, the details of the expected buyers and the terms of sale of the data, or other relevant details:
(iii) the estimated value of the commercial exploitation and the expected profit from the commercial exploitation:

3. Geographical Areas

3.1 Indicate geographical areas in which the research is to be conducted (with reference in latitude and longitude, including coordinates of cruise track/way points)
3.2 Attach chart(s) at an appropriate scale (1 page, high-resolution) showing the geographical areas of the intended research and, as far as practicable, the location and depth of sampling stations, the tracks of survey lines, and the locations of installations and equipment.

4. Methods and means to be used

4.1 Particulars of vessel:	
Name:	
Type/Class:	
Nationality (Flag State):	
Identification Number (IMO/Lloyds No.):	
Website for diagram & specifications:	
Owner:	
Operator:	

Overall length (meters):	
Overall width (meters):	
Maximum draught (meters):	
Displacement/Gross tonnage:	
Propulsion:	
Cruising & maximum speed:	
Call sign:	
INMARSAT number and method and capability of communication(including emergency frequencies):	
Range:	
Name of master:	
Number of crew:	
Number of scientists on board:	
Relevant documents required by international conventions and regulations:	
Other relevant information:	
4.2 Particulars of aircraft:	
Name:	
Make/model:	
Nationality (Flag state):	
Website for diagram & specifications:	
Owner:	
Operator:	
Overall length (meters):	
Propulsion:	
Cruising & Maximum speed:	
Registration No.:	
Call sign:	
Method and capability of communication (including emergency frequencies):	
Name of pilot:	
Number of crew:	
Number of scientists on board:	
Details of sensor packages:	

Other relevant information:	
4.3 Particulars of Autonomous Underwater Vehicle (AUV):	
Name:	
Manufacturer and make/model:	
Nationality (Flag state):	
Website for diagram & specifications:	
Owner:	
Operator:	
Overall length (meters):	
Displacement/Gross tonnage:	
Cruising & Maximum speed:	
Range/Endurance:	
Method and capability of communication (including emergency frequencies):	
Details of sensor packages:	
Other relevant information:	

4.4 Other crafts, including their use:

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4.5 Particulars of methods and scientific instruments:

Types of samples and measurements:	Methods to be used:	Instruments to be used:

4.6 Indicate the nature and the quantity of substances to be released into the marine environment:

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4.7 Indicate whether drilling will be carried out. If yes, please specify:

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4.8 Indicate whether explosives will be used. If yes, please specify type and trade name, chemical content, depth of trade class and stowage, size, depth of detonation, frequency of detonation, and position in latitude and longitude:

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5. Installations and Equipment

Details of installations and equipment (including dates of laying, servicing, method and anticipated timeframe for recovery, as far as possible exact locations and depth, and measurements):

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6. Dates

6.1 Expected dates of first entry into and final departure from the research area by the research vessel and/or other platforms:

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6.2 Indicate if multiple entries are expected:

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7. Port calls

7.1 Dates of intended port calls and names of ports:

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7.2 Any special logistical requirements at ports of call:

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7.3 Name/address/telephone of shipping agent (if available):

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8. Participation of representative of the coastal State

8.1 Modalities of the participation of the representative of the coastal State in the research project:

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8.2 Proposed dates and ports for embarkation/disembarkation:

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9. Access to data, samples and research results

9.1 Expected dates of submission to coastal State of preliminary report, which should include the expected dates of submission of the data and research results:

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9.2 Anticipated dates of submission to the coastal State of the final report:

--

9.3 Proposed means for access by coastal State to data (including format) and samples:

--

9.4 Proposed means to provide coastal State with assessment of data, samples and research results:

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9.5 Proposed means to provide assistance in assessment or interpretation of data, samples and research results:

--

9.6 Proposed means of making results internationally available:

--

10. Other permits submitted

10.1 Indicate other types of coastal state permits required for the research (received or pending):

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11. List of supporting documentation

11.1 List of attachments:

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Signature:

Contact information of the focal point:

Name:

Country:

Affiliation:

Address:

Telephone:

Fax:

Email: