

Shipping & Transport - Cyprus

New regulation governs passage of ships through Cyprus territorial waters

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The passage of vessels through Cyprus territorial waters has recently been regulated by the enactment of the Regulation of the Innocent Passage of Ships in the 2011 Territorial Sea Law (Law 28(I)/2011), which entered into force on March 18 2011.

'Territorial waters' are defined as such part of the sea adjacent to the coast of Cyprus as is considered part of its territory and is subject to the sovereignty of Cyprus, extending to a maximum breadth of 12 nautical miles from the baselines (generally, the coastline).

'Passage' means navigation through the territorial sea for the purpose of:

- traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or
- proceeding to or from internal waters or a call at such roadstead or port facility.

Fishing operations do not fall within the definition of 'passage'.

Passage must be continuous and expeditious, provided that the passage includes stopping and anchoring where these are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress. Passage is innocent so long as it is not prejudicial to the peace, good order or security of Cyprus. It must be performed in conformity with applicable international conventions (particularly the United Nations Convention on the Law of the Sea) and international law. The law further prescribes a series of activities that are deemed to be prejudicial to the peace, good order or security of Cyprus.

The law defines the circumstances in which Cyprus may exercise its criminal or civil jurisdiction in relation to ships passing through the territorial sea and persons aboard them.

It also regulates the designation of sea lanes. Cyprus may, where necessary for the safety of navigation, require foreign ships exercising the right of innocent passage through its territorial sea to use such sea lanes and traffic separation schemes as it may designate or prescribe for the regulation of the passage of ships.

Exploration and exploitation of 'hydrocarbons' - defined as "any kind of petroleum in solid, liquid or gas form ... as well as any kind of minerals or substances that are extracted with them" - within the territorial waters and exclusive economic zone of Cyprus are governed by the Hydrocarbon (Prospecting, Exploration and Exploitation) Law 2007.

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