

The Maritime Spatial Planning (Public Consultation) Regulations of 2021¹

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*According to Article 3 of the Constitution of the Republic of Cyprus, the official languages of the Republic of Cyprus are Greek and Turkish and therefore the present translation into English is **not the authentic version. The authentic and therefore legally binding version, is the Greek version of this Law.***

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144(I) of 2017
34(I) of 2021.

The Council of Ministers, exercising the powers granted to it by sections 8, 18 and 26 of the *Maritime Spatial Planning and Other Related Matters Laws of 2017-2021*, issues the following Regulations:

Short title.

1. These Regulations will be referred to as the Maritime Spatial Planning (Public Consultation) Regulations of 2021.

Interpretation.

2. – (1) In these Regulations-

“Committee” means the Maritime Spatial Planning Committee as referred to in section 7 of the Law;

“entities” means the interested parties, the authorities and the public;

“Law” means the *Maritime Spatial Planning and Other Related Matters Laws of 2017- 2021*;

“public consultation” or “consultation” means the public consultation with entities, the conduct of which is required by the provisions of sections 8 and 18 of the Law.

(2) Provided that in the present Regulations the reference to the shaping or setting-up of the Maritime Spatial Plan and of the Policy Statement includes the revision thereof.

(3) Unless otherwise defined by the text, terms not otherwise defined in these Regulations have the meaning provided by the Law.

Purpose –object of the public consultation.

3. – (1) Public consultation is a form of public dialogue and consultation designed to ensure transparency and democratic accountability in accordance with the principles of equal treatment, impartiality and objectivity in the process of information, and decision-making by the Competent Institutions.

(2) The purpose of public consultation is primarily:

(a) the formation of a precise picture and a more complete

and accurate information of the Competent Institutions so as to enable them to reach a complete, well-informed and adequately reasoned decision, and

(b) to enable the entities to express their opinions on specific issues related to the Policy Statement and the Maritime Spatial Plan.

Commencement of public consultation, representations, extension.

4. – (1) The Committee provides the entities the opportunity to participate in public consultation when shaping the Policy Statement and at the initial / early stage of the setting-up of the Maritime Spatial Plan.

(2) The Committee, by means of a notification published in the Official Gazette of the Republic, in at least two daily newspapers in the Republic and on the internet, shall inform the entities of the commencement of the public consultation for the shaping of the Policy Statement, or for the setting-up of the Maritime Spatial Plan, and provides them with all the necessary information for their right to participate in the decision-making process and for the fact that they can submit questions, opinions and representations to the Committee.

(3) Information related to the shaping of the Policy Statement or the setting-up of the Maritime Spatial Plan is available to the entities during working days and hours at the offices of the Competent Authority.

(4) The entities may submit to the Committee opinions or representations related to the shaping of the Policy Statement or the setting-up of the Maritime Spatial Plan within sixty (60) days of the date of publication of the notification of commencement of the public consultation.

(5) The Committee may extend the duration of the public consultation upon receiving written reasoned requests from the entities, which requests must be submitted to the Committee no later than six (6) working days before the expiration date of the public consultation as provided in paragraph (4) above.

(6) Any decision of the Committee to extend the duration of the public consultation, as well as its new duration, shall be published in the Official Gazette of the Republic, in at least two daily newspapers in the Republic and on the internet, as soon as possible and especially before the expiration of the initial date of the public consultation.

Disclosure of opinions or representations.

5.—(1) Upon the expiration of the period for the submission of opinions or representations, the Committee, by a notification published in the Official Gazette of the Republic, in at least two daily newspapers in the Republic and on the internet, shall inform the entities about the main opinions and representations submitted to it by virtue of Regulation 4(4), within three (3) months from the date of expiration of the period of the public consultation.

(2) The Committee does not disclose any information covered by professional confidentiality, nor any particulars relating to personal data.

(3) The information referred to in paragraph (1) shall be made available to the entities during working days and hours at the offices of the Competent Authority.

Policy Statement and setting-up of Maritime Spatial Plan.

6. – (1) Before taking the decision, and after evaluating the comments received during the public consultation, the Committee shall, as far as possible, take into account the opinions and representations submitted to it by virtue of Regulation 4(4).

(2) The Committee finalises the content of the Policy Statement upon completion of the public consultation so that the approval and adoption process as set out in section 8 of the Law can follow.

(3) The Committee finalises the content of the Maritime Spatial Plan so that its approval and / or revision process as set out in sections 9 and 10 of the Law can follow.

Publication of the Policy Statement and of the Maritime Spatial Plan.

7. Upon the decision of the Council of Ministers in accordance with the provisions of sections 8, 9 and 10 of the Law, the Committee shall inform the entities, by publishing the Policy Statement and the Maritime Spatial Plan, by a notification published in the Official Gazette of the Republic, in two widely circulated newspapers in the Republic and on the internet and make available to them the reasons and the grounds on which the decision was based, including the manner in which any opinions and/or representations submitted pursuant to Regulation 4(4), were taken into account in the final decision.

*Right of judicial remedy for entities.
131(I) of 2015
72(I) of 2018.*

8. The entities have a right of recourse before the Administrative Court in accordance with the provisions of Article 146 of the Constitution and the *Establishment of an Administrative Court Law*, against the Maritime Spatial Plan for acts or omissions by the Committee regarding information and participation issues, during the public consultation process for the shaping of the Policy Statement and the setting-up of the Maritime Spatial Plan.

Access to information.

9. The Committee shall ensure that the entities have access to the data and information relating to the Policy Statement and to the Maritime Spatial Plan, both during the consultation phase and after their approval.

Keeping a record of consultations-electronic information.

10.– (1) The Committee shall keep a printed and/ or electronic record of consultations, in which it shall enter :

- (a) all the texts of the public consultations, their results and the Committee's conclusions from the consultations,
- (b) all opinions and representations submitted by the entities,
- (c) the Policy Statement and its revisions, and
- (d) the Maritime Spatial Plan and its revisions.

(2) The record shall be at the disposal of the entities and shall be inspected during working days and hours at the offices of the Competent Authority.

(3) Obtaining of any information from the record shall be governed by the provisions of:

205(I) of 2015.

(a) the *Re-use of Public Sector Information Law of 2015*,

119(I) of 2004.

(b) the *Public Access to Environmental Information Law of 2004*,

*184(I) of 2017
156(I) of 2018.*

(c) the *Right of Access to Information of the Public Sector Law of 2017*.

Temporary suspension of the public consultation.

11. The Committee may by a reasoned decision, at any time and any stage, suspend provisionally the continuation of a public consultation, only if it becomes aware of new substantial information or information that was not notified at the time the Committee decided to conduct the consultation, that may affect the content of the Policy Statement and/or of the Maritime Spatial Plan.