

# The 1960 Treaties on Cyprus and Selected Subsequent Acts

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#### Introduction

Εἰ δὴ τις ἐξ ἀρχῆς τὰ πράγματα φερόμενα βλέψειεν, ὥσπερ ἐν τοῖς ἄλλοις  
καὶ ἐν τούτοις κάλλιστ' ἂν οὕτω θεωρήσειεν.  
Ἀριστοτέλης, Πολιτικά  
1252 α, 24

The best method of investigation is to study things in the process of development from the beginning.

Aristoteles, Politics  
1252 α, 24

The aim of this publication is to present in a single volume the complete series of the Treaties signed at Nicosia on 16 August 1960, when Cyprus was proclaimed an independent and sovereign State, as well as selected subsequent acts associated to the 1960 Treaty of Establishment, to be used as a reference work on the subject.

The texts of the Treaties and the Agreement are reproduced in the original language or languages in which they were signed, along with an English translation where English is not the original language. They were signed at the House of Representatives in Nicosia, on the 15<sup>th</sup> – 16<sup>th</sup> August 1960, and came into force on signature.<sup>1</sup> The documents are listed below in the sequence they were signed by the Plenipotentiaries of the United Kingdom, Greece, Turkey, and the Greek and Turkish Communities of Cyprus:

1. Greek and Turkish texts of the Constitution of the Republic of Cyprus
2. Treaty concerning the Establishment of the Republic of Cyprus
3. (a) Exchange of Notes relating to the Treaty of Establishment
3. (b) Exchange of Notes and Declaration by Her Majesty's Government in the United Kingdom regarding the Administration of the Sovereign Base Areas
4. Treaty of Guarantee
5. Treaty of Alliance
6. Agreement for the Application of Treaty of Alliance

The legal documents mentioned in points 2 to 6 above are referred to collectively as the 1960 Treaties on Cyprus.

The Treaty concerning the Establishment of the Republic of Cyprus, the Exchange of Notes relating to the Treaty of Establishment and the Exchange of Notes and Declaration by the United Kingdom regarding the Administration of the Sovereign Base Areas, as well as the Treaty of Guarantee were registered with the Secretariat of the United Nations by the United Kingdom on 12 December 1960 in accordance with Article 102 of the Charter of the United Nations.<sup>2</sup>

<sup>1</sup> Article 195 of the Constitution of the Republic of Cyprus. *Σύνταγμα της Κυπριακής Δημοκρατίας*. Λευκωσία: Κυβερνητικό Τυπογραφείο, 1960. *Kıbrıs Cumhuriyeti Anayasası*. Lefkoşa: Kıbrıs Hükümet Matbaasında Basılmıştır, 1960. *Constitution of the Republic of Cyprus*. Nicosia: Government Printing Office, 1960. [Translation]

<sup>2</sup> United Nations Treaty Series volume 382, pp. 8 – 175 [No. 5476], 177 – 247 [No. 5477 – 5486], 3 – 7 [No. 5475]. For the Treaty of Establishment and Exchanges of Notes also see UKTS No. 4 (1961) Cmd. 1252, London: HMSO, 1961. For the Treaty of Guarantee also see UKTS No. 5 (1961) Cmd. 1253, London: HMSO, 1961.

The Treaty of Alliance was also registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter by Greece and Turkey on 12 June 1961,<sup>3</sup> while the Agreement for the Application of the Treaty of Alliance<sup>4</sup>, the text of which is contained in this volume, has not been registered.

### The 1960 Constitution and the Treaties on Cyprus

The Constitution set out in the documents in the Greek and Turkish languages were initialled at Ankara on 28 July 1960 by the Representatives of the United Kingdom, Greece, Turkey, and of the Greek Cypriot Community and the Turkish Cypriot Community<sup>5</sup> and signed at Nicosia on 16 August 1960.<sup>6</sup>

The question often arises regarding the relationship between the Constitution and the 1960 Treaties on Cyprus. This is because obligations on the Republic of Cyprus in the Treaty of Establishment, the Treaty of Guarantee and the Treaty of Alliance have been given effect in the Constitution, namely:

1. Part II of the Constitution dealing with Fundamental Rights and Liberties (Article 6 to 35), gives effect to Article 5 of the Treaty of Establishment.
2. Article 170 of the Constitution gives effect to Part II of Annex F to the Treaty of Establishment on the obligation of the Republic to accord, by agreement on appropriate terms, most-favoured-nation treatment (MFN treatment) to Greece, Turkey and the United Kingdom in connection with all Agreements, whatever their nature.<sup>7</sup>
3. Article 181 of the Constitution gives effect to the Treaty of Guarantee and the Treaty of Alliance.
4. By Article 195 of the Constitution, it was provided that the 1960 Treaties on Cyprus "shall be operative and binding as from the date on which they have been so signed."<sup>8</sup>
5. Article 198 of the Constitution gave effect to the provisions of Annex D to the Treaty of Establishment, until a law of citizenship was adopted by the Republic.

### The Zürich and London Conferences on Cyprus (Zürich, 6-11 February 1959 and London, 17-19 February 1959)

The signature in Nicosia on 16 August 1960 of the Constitution and the Treaties on Cyprus was the result of an arduous process of negotiations that started during the last months of 1958. It would go beyond the scope of this Introduction to give an account of the circumstances that led to the convening, first of the Conference on Cyprus in Zürich in February 1959 and later in the same month in London. The situation prevailing at that time in Cyprus, the international political environment and the interests involved have been ably described and analysed by historians,

<sup>3</sup> United Nations Treaty Series volume 397, pp. 287 – 295 [No. 5712].

<sup>4</sup> *Agreement between the Republic of Cyprus, the Kingdom of Greece and the Republic of Turkey for the application of the Treaty of Alliance, signed at Nicosia on August 16<sup>th</sup>, 1960*. Nicosia: Government Printing Office, 1960.

<sup>5</sup> Republic of Cyprus Order in Council, S.I. 1960 / 1368.

<sup>6</sup> *Σύνταγμα της Κυπριακής Δημοκρατίας*. Λευκωσία: Κυβερνητικό Τυπογραφείο, 1960. *Kıbrıs Cumhuriyeti Anayasası*. Lefkoşa: Kıbrıs Hükümet Matbaasında Basılmıştır, 1960. *Constitution of the Republic of Cyprus* Nicosia: Government Printing Office, 1960. [Translation]

<sup>7</sup> For further reading on article 170 of the Constitution, see *Cyprus and European Union Membership: Important Legal Documents*. Edited by the Attorney-General of Cyprus A. Markides. Nicosia: Government Printing Office, 2002. pp. 12 – 14, 33 – 37 and 44 – 46.

<sup>8</sup> See footnote no. 1.

international relations and law experts, as well as in memoirs or personal accounts of political personalities and diplomats that played a role in these consultations and negotiations. For the purpose of this Introduction, a brief and factual description of the developments is given.

December 1958 saw a flurry of diplomatic activity around the Cyprus problem. Direct consultations between the Greek and Turkish Foreign Ministers, Messrs. Evangelos Averoff-Tossizza and Fatin Rüstü Zorlu, took place early in December during the annual session of the United Nations General Assembly (13<sup>th</sup> regular session) in New York. The two Ministers continued their discussions in Paris on 18 December 1958, where they were attending a session of the NATO Council. While in Paris they informed their British counterpart, Mr. Selwyn Lloyd on the progress of their talks. The following is mentioned in the Report on Cyprus<sup>9</sup> for the year 1959 on the Paris encounter between the Greek and Turkish Foreign Ministers:

*"[...] From the outset Her Majesty's Government gave their full support to this initiative, making it clear, that provided British military requirements were met in a manner which could not be challenged, they would be prepared to consider the transfer of sovereignty of the rest of the Island [...]"*

The Greek and Turkish Foreign Ministers resumed their discussions in the French capital on 17 January 1959, clearing the way for the convening of a Conference between the Prime Ministers of the two countries. This Conference took place in Zürich from 6 to 11 February 1959, between Messrs. Constantinos Karamanlis and Adnan Menderes, respectively, accompanied by their Foreign Ministers. The negotiations in Zürich ended with agreement between Greece and Turkey recorded in the following documents:

1. Basic Structure of the Republic of Cyprus.
2. Treaty of Guarantee between the Republic of Cyprus and Greece, the United Kingdom and Turkey.
3. Treaty of Alliance between the Republic of Cyprus, Greece and Turkey.

The above documents were initialled at Zürich on 11 February 1959 by the Greek and Turkish Prime Ministers in the French language.

The acceptance by the Representative of the Greek Cypriot community, Archbishop Makarios III, and of the Turkish Cypriot community, Dr. Fazıl Kutchuk, of the documents initialled at Zürich, occurred in separate Declarations made by the two Representatives in London on 19 February 1959.<sup>10</sup>

From Zürich the venue of the negotiations moved to London where a Conference on Cyprus convened at Lancaster House from 17 to 19 February 1959. The Conference was preceded by consultations from 11 to 16 February 1959. At the opening session of the Conference, the British Foreign Secretary, Mr. Selwyn Lloyd made the following declaration which was endorsed by the Foreign Ministers of Greece and Turkey and by the Representatives of the Greek and Turkish Communities:

<sup>9</sup> *Cyprus: Report for the year 1959*. London: HMSO, 1961, p. 3.

<sup>10</sup> Cmnd 679. *Conference on Cyprus: Documents signed and initialed at Lancaster House on February 19, 1959*. London: HMSO, 1959, p. 14.

*The Government of the United Kingdom of Great Britain and Northern Ireland, having examined the documents concerning the establishment of the Republic of Cyprus, comprising the Basic Structure for the Republic of Cyprus, the Treaty of Guarantee and the Treaty of Alliance, drawn up and approved by the Heads of the Governments of Greece and Turkey in Zurich on February 11, 1959, and taking into account the consultations in London, from February 11 to 16, 1959, between the Foreign Ministers of Greece, Turkey and the United Kingdom*

*Declare: —*

*A. That, subject to the acceptance of their requirements as set out in Section B below, they accept the documents approved by the Heads of the Governments of Greece and Turkey as the agreed foundation for the final settlement of the problem of Cyprus.*

*B. That, with the exception of two areas at*

*(a) Akrotiri—Episkopi—Paramali, and*

*(b) Dhekelia—Pergamos—Ayios Nikolaos—Xylophagou, which will be retained under full British sovereignty, they are willing to transfer sovereignty over the Island of Cyprus to the Republic of Cyprus subject to the following conditions: —*

*(1) that such rights are secured to the United Kingdom Government as are necessary to enable the two areas as aforesaid to be used effectively as military basics, including among others those rights indicated in the Annex attached, and that satisfactory guarantees are given by Greece, Turkey and the Republic of Cyprus for the integrity of the areas retained under British sovereignty and the use and enjoyment by the United Kingdom of the rights referred to above.*

*(2) that provision shall be made by agreement for:—*

*(i) the protection of the fundamental human rights of the various communities in Cyprus;*

*(ii) the protection of the interests of the members of the public services in Cyprus;*

*(iii) determining the nationality of persons affected by the settlement;*

*(iv) the assumption by the Republic of Cyprus of the appropriate obligations of the present Government of Cyprus, including the settlement of claims.*

*C. That the Government of the United Kingdom welcome the draft Treaty of Alliance between the Republic of Cyprus, the Kingdom of Greece and the Republic of Turkey and will co-operate with the Parties thereto in the common defence of Cyprus.*

*D. That the Constitution of the Republic of Cyprus shall come into force and the formal signature of the necessary instruments by the parties concerned shall take place at the earliest practicable date and on that date sovereignty will be transferred to the Republic of Cyprus.*"<sup>11</sup>

On 19 February 1959, the instruments recording the agreement of the parties to the Conference on the Settlement of the Cyprus Problem were adopted. The parties were the United Kingdom, Greece, Turkey, the Greek Cypriot Community and the Turkish Cypriot Community. These instruments were included in a Memorandum<sup>12</sup> signed by the Prime Ministers of the

<sup>11</sup> Cmnd 679. *Conference on Cyprus: Documents signed and initialled at Lancaster House on February 19, 1959.* Command London: HMSO, 1959, pp. 11&12.

<sup>12</sup> *Ibid*, p.4

United Kingdom, Greece and Turkey, who attended the closing session of the Conference. The Memorandum to which the *List of Agreed Documents* is annexed reads as follows:

*Memorandum Setting Out the Agreed Foundation for the Final Settlement of the Problem of Cyprus*

*The Prime Minister of the United Kingdom of Great Britain and Northern Ireland, the Prime Minister of the Kingdom of Greece and the Prime Minister of the Turkish Republic,*

*Taking note of the Declaration by the Representative of the Greek-Cypriot Community and the Representative of the Turkish-Cypriot Community that they accept the documents annexed to this Memorandum as the agreed foundation for the final settlement of the problem of Cyprus,*

*Hereby adopt, on behalf of their respective Governments, the documents annexed to this Memorandum and listed below, as the agreed foundation for the final settlement of the problem of Cyprus.*

*On behalf of the Government  
of the United Kingdom  
of Great Britain and  
Northern Ireland*

*On behalf of the Government  
of the Kingdom of Greece*

*On behalf of the Government  
of the Turkish Republic*

Harold MacMillan

C. Karamanlis

A. Menderes

London, February 19, 1959

*List of Documents Annexed*

*A. — Basic Structure of the Republic of Cyprus*

*B. — Treaty of Guarantee between the Republic of Cyprus and Greece, the United Kingdom and Turkey.*

*C. — Treaty of Alliance between the Republic of Cyprus, Greece and Turkey.*

*D. — Declaration made by the Government of the United Kingdom on February 17, 1959.*

*E. — Additional Article to be inserted in the Treaty of Guarantee.*

*F. — Declaration made by the Greek and Turkish Foreign Ministers on February 17, 1959.*

*G. — Declaration made by the Representative of the Greek-Cypriot Community on February 19, 1959.*

*H. — Declaration made by the Representative of the Turkish-Cypriot Community on February 19, 1959.*

*I. — Agreed Measures to prepare for the new arrangements in Cyprus.*

The documents listed above were either signed or initialled. Documents A through C are the English translations of the documents agreed in the French text that were initialled by the Greek and Turkish Prime Ministers at Zürich on 11 February 1959.

The document on the Agreed Measures to Prepare for the new Arrangements in Cyprus, adopted at the London Conference, provided for the establishment of three bodies, namely: a

Joint (Constitutional) Commission in Cyprus, a Transitional Committee in Cyprus, and a Joint Committee in London.<sup>13</sup> The following details on the work of the three bodies are taken from the 1959 Report on Cyprus:<sup>14</sup>

*A Joint Commission was set up in Cyprus with the task of completing a draft constitution for the Republic, on the basis of the Zurich document. It was composed of one representative each of the Greek-Cypriot and Turkish-Cypriot communities, Mr. Glafkos Clerides and Mr. R. R. Denktash, a representative nominated by the Government of Greece, Mr. Themistocles Tsatsos, a representative nominated by the Government of Turkey, Professor Nihad Erim, and a legal adviser nominated by the Foreign Ministers of Greece and Turkey, Professor Marcel Bridel of the University of Lausanne. The Commission held its first meeting in Nicosia on 13th April.*

*A Transitional Committee was appointed in Cyprus charged with drawing up plans for adapting and re-organising the Government machine in preparation for the transfer of power to the Republic. The Governor, Sir Hugh Foot, presided over the first meeting which was attended by Archbishop Makarios and Dr. Kutchuk as the leading representatives of their communities. It was decided that they should be joined by Greek Cypriots nominated to seven provisional Ministries and Turkish Cypriots nominated to three provisional Ministries, as provided for in Article 5 of the Zurich document. The Governor proposed, and it was agreed, that the Transitional Committee should meet regularly with the Governor's Executive Council as a Joint Council.*

*The first meeting of the Joint Council was held on 7th April.*

*The additional members of the Transitional Committee, nominated by the Governor after consultation with Archbishop Makarios and Dr. Kutchuk were:*

<i>Mr. Fazil Plumer.</i>	<i>Ministry of Agriculture and Natural Resources.</i>
<i>Mr. Paschalis Paschalides.</i>	<i>Ministry of Commerce and Industry.</i>
<i>Mr. Antonis Georghiades.</i>	<i>Ministry of Communications and Works.</i>
<i>Mr. Osman Orek.</i>	<i>Ministry of Defence.</i>
<i>Dr. Riginos Theocharis.</i>	<i>Ministry of Finance.</i>
<i>Dr. Niazi Manyera.</i>	<i>Ministry of Health.</i>
<i>Mr. Tassos Papadopoulos.</i>	<i>Ministry of the Interior.</i>
<i>Mr. Glafkos Clerides.</i>	<i>Ministry of Justice.</i>
<i>Mr. Polykarpos Georkadjis.</i>	<i>Ministry of Labour and Social Insurance.</i>

*Archbishop Makarios undertook responsibility for the time being for matters concerning Foreign Affairs. Two appointments of Deputy Minister were also made, Mr. Andreas Azinas (Agriculture and Natural Resources) and Mr. Mehmet Nazim (Finance), without seats on the Joint Council.*

*The third body established was a Joint Committee in London, appointed to prepare the final treaties giving effect to the conclusions of the London Conference for submission to the three Governments. It was concerned with matters arising from the retention of areas in*

<sup>13</sup> Cmnd 679. *Conference on Cyprus: Documents signed and initialed at Lancaster House on February 19, 1959.* London: HMSO, 1959, p. 14.

<sup>14</sup> *Cyprus: Report for the year 1959.* London: HMSO, 1961, p. 5.

*Cyprus under British sovereignty, the provision of rights and facilities for the operation of those areas as military bases, nationality, the treatment of liabilities of the existing Government of Cyprus, and financial and economic problems arising from the creation of the Republic. Sir Knox Helm was appointed to represent the United Kingdom Government, the Ambassadors in London of Greece and Turkey to represent their Governments. Mr. Zenon Rossides to represent the Greek-Cypriot community and Mr. Osman Orek the Turkish-Cypriot community. Following Mr. Orek's appointment, Mr. Umit Suleyman was designated to act as Minister of Defence in the Transitional Committee.*

#### **Selected Subsequent Acts related to the 1960 Treaty of Establishment**

Since 1960, several bilateral agreements have been concluded between Cyprus and the United Kingdom, Cyprus and Greece, and Cyprus and Turkey. Some of these are related to the Treaty of Establishment. This is also the case for multilateral treaties to which either the United Kingdom is a party or both Cyprus and the United Kingdom are parties. The majority of the latter are related to the UK Sovereign Base Areas (SBAs) in Cyprus. In the framework of the present compilation, only selected legal acts or parts thereof are included, namely:

1. The Joint Declaration on the United Kingdom's Sovereign Base Areas in Cyprus annexed to the 1972 Treaties of Accession.<sup>15</sup>
2. Article 299 (1) (3) and (6) of the Consolidated version of the Treaty Establishing the European Community.<sup>16</sup>
3. Declaration (No. 25) annexed to the Final Act of the Treaty on the European Union on the representation of the interests of the overseas countries and territories referred to in Article 299 (ex Article 227)(3) and (6)(a) and (b) of the Treaty establishing the European Community, Maastricht 1992.<sup>17</sup>
4. Protocols No. 3 and 10 annexed to the 2003 Treaty of Accession.<sup>18</sup>
  - a. Protocol No. 3: With a view to maintain the special arrangements agreed between the United Kingdom and Cyprus under the 1960 Treaty of Establishment, ensuring that the Cypriots living and working in the SBAs should have the same treatment for certain EU policies as those living and working in the Republic of Cyprus.
  - b. Protocol No. 10: Providing for the suspension of the *acquis communautaire* in the areas that the Republic of Cyprus does not exercise effective control, the lifting of the suspension in the event of a solution to the Cyprus problem and setting out the terms under which the relevant provisions of the EU law will apply to the line between the abovementioned areas and both those areas in which the Government of the Republic of Cyprus exercises effective control and the Eastern Sovereign Base Area of the United Kingdom in Cyprus.
5. A Memorandum of Understanding (MoU) between Cyprus and the United Kingdom signed in 2003 concerning the responsibility for the implementation of the Protocol on the SBAs.

<sup>15</sup> OJ L 73, 27.03.1972.

<sup>16</sup> OJ C 325, 24.12.2002.

<sup>17</sup> OJ C 191, 29.07.1992.

<sup>18</sup> OJ L 236, 23.09.2003.