



REPUBLIC OF CYPRUS
SHIPPING DEPUTY MINISTRY
Office of the Permanent Secretary

Circular No.8/2024

28 February 2024

SDM File No.05.13.002 & 12.03.004.045

To all Registered owners, Registered bareboat charterers
Managers and Representatives of ships flying the Cyprus Flag

To all Owners, Managers, Representatives and
Agents in Cyprus of Ships, irrespective of flag they are flying,
calling at Cyprus ports

Subject: Whistleblowing- Reporting of Breaches of European Union law pursuant to Law 6(I)/2022 transposing “Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law”

With reference to the above matter, I wish to inform you as follows:

1. Reports of breaches of European Union law pursuant to **Law 6(I)/2022¹** and **“Directive (EU) 2019/1937²** of 23 October 2019 on the protection of persons who report breaches of Union law” (“the Directive”) pertaining to European Union acts within the scope of Law 6(I)/2022 and the Directive and falling within the competence of the Shipping Deputy Ministry (“SDM”) as set out in the **Annex** to this Circular, can be filed to the SDM as follows:

I. By email

Reports can be sent to the dedicated email address whistleblowers@dms.gov.cy

II. By post or delivered at SDM headquarters

Reports can be sent by post or delivered at the SDM headquarters to the **attention of the Head of the Internal Audit Unit** of the Shipping Deputy Ministry in a sealed envelope marked **“CONFIDENTIAL”**.

III. By telephone at 25 848263

IV. Physical meeting

Upon request by the reporting person, by means of a physical meeting within a reasonable timeframe.

¹ Text of the Law available only in the Greek language: http://www.cylaw.org/nomoi/enop/non-ind/2022_1_6/full.html

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02019L1937-20211110&qid=1673594822037&from=EN>



2. A report submitted for a breach of European Union law, should be accompanied by the following:

- i. The details of the person submitting the report (name and contact details) (optional).;
- ii. The details of the person or company who has committed the Breach;
- iii. Full description of the Breach, with reference to the specific legislation and the facts on which it is based;
- iv. Any documents which may be in the possession of the person filing the report of Breach which are supportive of the report.

3. The examination of submitted reports of breaches of EU law shall be dealt in strict confidence. The name of the person filing the report, the Report itself as well as all accompanying documents shall be considered as Confidential Documents, therefore the procedures for processing and archiving of confidential documents in force in the Public Service shall be followed.

4. In case you submit the same report to other Competent Authorities as well, you should inform the SDM accordingly.

5. The SDM:

(a) promptly, and in any event within seven days of receipt of the report, acknowledges that receipt unless the reporting person explicitly requested otherwise or the SDM reasonably believes that acknowledging receipt of the report would jeopardise the protection of the reporting person's identity;

(b) diligently follows up on the reports;

(c) provides feedback to the reporting person within a reasonable timeframe not exceeding three months, or six months in duly justified cases;

(d) communicates to the reporting person the final outcome of investigations triggered by the report, in accordance with procedures provided for under Law 6(I)/2022;

(e) transmits in due time the information contained in the report to other national competent authorities or to competent institutions, bodies, offices or agencies of the European Union, as appropriate, for further investigation, where provided for under EU or national law;

(f) after having duly assessed the matter, may decide that a reported breach is clearly minor and does not require further follow-up, other than closure of the procedure. In such a case, the SDM notifies the reporting person of its decision and the reasons therefor;

(g) may decide to close procedures regarding repetitive reports which do not contain any meaningful new information on breaches compared to a past report in respect of which the relevant procedures were concluded, unless new legal or factual circumstances justify a

different follow-up. In such a case, the SDM notifies the reporting person of its decision and the reasons therefor.

5. The reporting person is automatically protected from any form of retaliation, while enjoying important protection measures.

6. For any further information you may refer to **Directive (EU) 2019/1937**, to **National Law 6(I)/2022** transposing said Directive, and to the **Guides** produced by the Ministry of Justice and Public Order in collaboration with the Office of the Law Commissioner, which can be found on the website of the Ministry of Justice³.



Dr. Stelios D. Himonas
Permanent Secretary

Cc.

- Permanent Secretary, Ministry of Justice and Public Order
- Attorney General of the Republic of Cyprus
- Maritime Offices of the Shipping Deputy Ministry abroad
- Recognised Organisations (ROs)
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Cyprus Shipping Association
- Cyprus Bar Association

GMD/LMK/ES

³ <http://www.mjpo.gov.cy/mjpo/mjpo.nsf/all/463F2ADA1BF13580C22588080026C296?opendocument> – The Guides are available only in the Greek language.

ANNEX

European Union acts within the scope of Directive (EU) 2019/1937 and falling within the competence of the Shipping Deputy Ministry

1. European Union acts falling under point (a)(iv) of Article 2(1) - Transport Safety: Safety requirements in the maritime sector, as regulated by:

I. Regulations

1. Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations as amended;
 - *The Merchant Shipping (Recognition and Authorisation of Organisations) Law of 2011 (Law 128(I)/2011).*
2. Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents;
 - *The Merchant Shipping (Liability of Carriers of Passengers by Sea in the Event of Accidents) Law of 2014 (Law 5(I)/2014).*
 - *The Merchant Shipping (Implementation of European Union Decisions and Regulations on Certain Matters of Maritime Transport) Law of 2023 (Law 81(I)/2023). see also P.I. 274/2023*

II. Directives

1. Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC as amended;
 - *The Merchant Shipping (Marine Equipment) Law of 2017 (Law 23(I)/2017).*
2. Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers as amended;
 - *The Merchant Shipping (Issue and Recognition of Certificates and Marine Training) Law of 2008(Law 27(I)/2008, as amended).*

[N.B.: Directive 2008/106/EC was repealed by Directive 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (codification).]
3. Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community as amended;
 - *The Merchant Shipping (Registration of Persons Sailing on Board Passenger Ships) Law of 2002 (Law 57(I)/2002, as amended).*

2. European Union acts falling under point (a)(v) of Article 2(1) – Protection of the Environment: Rules on sustainable development and waste management, as regulated by:

Regulations

Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC;

- *The Merchant Shipping (Implementation of European Union Decisions and Regulations on Certain Matters of Maritime Transport) Law of 2023 (Law 81(I)/2023).*
see also P.I. 274/2023

[N.B. The Ministry of Agriculture, Rural Development and the Environment (Department of Environment) has also powers in relation to Regulation (EU) No 1257/2013].

3. Rules on marine, air and noise pollution, as regulated by:

I. Regulations

- (1) Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships;
 - *The Merchant Shipping (Prohibition of Organotin Compounds on Ships) Law of 2004 (Law 167(I)/2004).*
 - *The Merchant Shipping (Implementation of European Union Decisions and Regulations on Certain Matters of Maritime Transport) Law of 2023 (Law 81(I)/2023).*
see also P.I. 274/2023
- (2) Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC;
 - *The Merchant Shipping (Implementation of European Union Decisions and Regulations on Certain Matters of Maritime Transport) Law of 2023 (Law 81(I)/2023).*
see also P.I. 274/2023

II. Directives

Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements as amended;

- *The Merchant Shipping (Ship Source Pollution) Laws of 2008 and 2010 (Law 45(I)/2008 as amended).*

