

THE MERCHANT SHIPPING (SHIPOWNERS' INSURANCE FOR MARITIME CLAIMS) LAW OF 2012 ¹

A LAW LAYING DOWN RULES APPLICABLE TO CERTAIN ASPECTS OF THE SHIPOWNERS' OBLIGATIONS REGARDING THEIR INSURANCE FOR MARITIME CLAIMS AND PROVIDING FOR RELATED MATTERS.

EU
Official
Journal
L 131,
28.5.2009.
p.128.

For purposes of harmonisation with the act of the European Community titled "Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims"

The House of Representatives enacts as follows:

PART I- PRELIMINARY PROVISIONS

Short
title.

1. This Law shall be cited as the Merchant Shipping (Shipowners' Insurance for Maritime Claims) Law of 2012.

Interpretation.

2. -(1) In this Law unless the context otherwise requires—

95(I) of 2011.

"Competent Authority for port State control (PSC Competent Authority)" means the competent authority as provided under the provisions of the *Merchant Shipping (Port State Control) Law of 2011*;

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"Competent Authority" means the Minister and/or any other person designated by him by virtue of section 3;

45 of 1965
82 of 1968

"Cyprus ship" means a ship registered in the Register of Cyprus Ships and flying the flag of the Republic, under the provisions of the *Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2005*;

¹ Editorial Note: This Law was published in the Greek language in the Official Gazette of the Republic of Cyprus No. 4321, Supplement I(I), dated 9.3.2012. This is an "unofficial" translation into English prepared by the Department of Merchant Shipping and does not intend to replace any translation prepared by the Law Commissioner's Office.

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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62 of 1973
102 of 1973
42 of 1979
25 of 1980
14 of 1982
57 of 1986
64 of 1987
28(I) of 1995
37(I) of 1996
138(I) of 2003
169(I) of 2004
108(I) of 2005.

“Directive 2009/20/EC” means the European Community act titled “Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of ship owners for maritime claims”;

“Director” means the Director of the Department of Merchant Shipping of the Ministry of Communications and Works;

“European Commission” means the Commission of the European Union;

“foreign ship” means any ship other than a Cyprus ship;

“Insurance” means insurance with or without deductibles, and comprises, for example, indemnity insurance of the type currently provided by members of the International Group of Protection and Indemnity Clubs, and other effective forms of insurance (including proved self insurance) and financial security offering similar conditions of cover;

20(III) of 2005.

“LLMC 1996 Convention” means the consolidated text of the 1976 Convention on Limitation of Liability for Maritime Claims, adopted by the International Maritime Organization (IMO), as amended by the 1996 Protocol, ratified by the Republic by virtue of the *Convention on Limitation of Liability for Maritime Claims of 1976 and of its Protocol of 1996 amending said Convention (Ratification) and for Matters Connected Therewith Law of 2005*, as this Convention may be amended and in force in the Republic;

17(III) of 2004.

“Member State” means a Member State of the European Union or other State which is a contracting party to the Agreement on the European Economic Area, signed at Oporto on the 2nd May, 1992 and ratified by the Republic under the *Agreement on the participation of the Czech Republic, the Republic of Estonia, Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area in 2004 and Final Act (Ratification) Law of 2004*, as this Agreement may be amended;

“Minister” means the Minister of Communications and Works;

“operator” means the owner of a seagoing ship or any other person, such as the manager or the bareboat charterer, who has assumed responsibility for operating the ship from the shipowner and who, on assuming such responsibility, has agreed to undertake all the duties, responsibilities and commitments that are imposed by this Law;

“port of the Republic of Cyprus” means the area defined as such by virtue of the *Cyprus Ports Authority Laws of 1973 to 2011*;

38 of 1973
59 of 1977
28 of 1979
195 of 1986
20 of 1987
62 of 1987
207 of 1988
229 of 1989
59(I) of 1992
51 (I) of 1993
2 (I) of 1997
136 (I) of 2002
134 (I) of 2004
164 (I) of 2004
38 (I) of 2006
155 (I) of 2007
86 (I) of 2008
94 (I) of 2008
71(I) of 2011.

“Republic” means the Republic of Cyprus;

“ship” means any ship or craft falling within the scope of application of this Law, as provided in section 4;

45 of 1964.

“territorial sea of the Republic” has the meaning attributed to this term by the *Territorial Sea Law of 1964*;

(2) In this Law, a reference to an act of the European Community and / or the European Union means that act as may be corrected, amended or replaced.

*Assignment
of powers
and duties
to
Government
officers
and officials.*

3. -(1) The Minister has the power to assign in writing to any of the following, the exercise of any power, excluding the power of issuing orders, and the execution of any duty provided or assigned, respectively, by this Law or by the regulations issued by virtue of said Law to the Competent Authority:

(a) the Director;

(b) any other person serving at the Department of Merchant Shipping of the Ministry of Communications and Works;

(c) any other person authorized to inspect or survey Cyprus ships on behalf of the Republic.

In case of such assignment, the Minister retains the power to exercise such assigned power and to execute such assigned duty, as from and during said assignment.

(2) A person to whom the exercise of power or the execution of a duty is assigned by virtue of subsection (1), has the duty to exercise the power and execute the duty in accordance with the instructions of the Minister.

(3) The Minister has the power to amend and withdraw an assignment done by virtue of subsection (1) by a written notice addressed to the person to whom the assignment was done.

(4) In case where, by virtue of this section, two or more persons simultaneously exercise the same power or execute the same duty, the hierarchically subordinate of said persons takes the appropriate measures so that he will not exercise the power or will not execute the duty in the same real facts with his hierarchically superior, unless the latter so permits and in accordance with the instructions of the latter.

(5) In case where, by virtue of this section, a person exercises a power or executes a duty that this Law or the regulations issued under said Law, respectively provide or assign, to another person, this Law and the regulations issued under said Law, apply as if the said power was explicitly provided to the person exercising the power and had explicitly assigned said duty to the person executing the duty.

*Scope
of
application .*

4.- (1) Subject to subsections (3) and (4), this Law applies to each one of the following ships, of a gross tonnage of 300 or more, unless provided otherwise in this Law:

- (a) Cyprus ships;
- (b) ships entering a port of the Republic, irrespective of flag;
- (c) ships operating within the territorial sea of the Republic if in conformity with international law.

(2) For the purposes of subsection (1), the phrases “entry into a port of the Republic” and “operating in the territorial waters of the Republic” do not include cases of innocent passage in accordance with the *Regulation of the Innocent Passage of Ships in the Territorial Sea Law of 2011*.

28(1) of 2011.

(3) This Law shall not apply to warships, naval auxiliaries and other State-owned or operated ships used for non-commercial public service.

Schedule.

(4) This Law shall be without prejudice to the regimes established by the instruments listed in the Schedule.

PART II - OBLIGATION TO HAVE INSURANCE AND RELATED CERTIFICATES

*Insurance
for
maritime
claims.*

5.-(1) The operator of a ship shall be required to have insurance:

- (a) covering such ship for maritime claims subject to limitation under the LLMC 1996 Convention for an amount, for each incident, equal to the relevant maximum amount for the limitation of liability as laid down in the LLMC 1996 Convention;
- (b) the existence of which is to be proved by a valid certificate carried on board the ship issued by the insurance provider as provided in section 6.

(2) In addition to the obligation under subsection (1)(a) above, the operator of a Cyprus ship has the obligation-

- (a) to submit with the Director a copy, either in hard copy or in electronic form, of the insurance certificate in force required under section 6 of this Law.
- (b) to keep the Director informed of the suspension, termination, renewal or any other change affecting the insurance, including the change of the insurance provider.

(3) In addition to the obligation under subsection (1)(a) above, the master, operator and shipping agent of a foreign ship each have the obligation-

- (a) to submit with the Director, before the entry of the foreign ship to a port of the Republic and/or its operation within the territorial sea of the Republic a copy, hard copy or in electronic form, of the insurance certificate in force required under section 6 of this Law.
- (b) to keep the Director informed, when the ship is entering or is within a port of the Republic and/or is operating within the territorial sea of the Republic, of the suspension, termination, renewal or any other change affecting the insurance, including the change of the insurance provider.

(4) Without prejudice to the immediate effect of subsections (2) and (3) the procedure regarding the submission of the insurance certificates with the Director, as well as the procedure for keeping the Director informed may be prescribed by a notification of the Director, published in the Official Gazette of the Republic.

(5)(a) Any Cyprus ship shall be prohibited to perform a voyage anywhere around the globe, if the operator of such ship does not comply with the obligations under subsections (1) and (2).

(b) It shall be prohibited for a ship, irrespective of flag -

(i) to call at or sail from a port of the Republic;

(ii) in conformity with international law, to operate in the territorial sea of the Republic, and/or

(iii) to call at or sail from the territorial sea of the Republic if the operator of such ship does not comply with the obligations under subsections (1) and (3).

Insurance certificates.

6.-(1) The certificate referred to in section 5(1)(b) issued by the insurance provider, shall be in a printed and /or electronic form and shall include the following information:

(a) name of ship, its IMO number, and port of registry;

(b) shipowner's name and principal place of operator;

(c) type and duration of the insurance;

(d) name and principal place of business of the provider of the insurance and, where appropriate, the place of business where the insurance was concluded.

(2) If the language used in the certificate referred to in subsection (1) of this section is neither English nor French nor Spanish, the text shall include a translation into one of these languages.

(3) Without prejudice to the immediate effect of section 5 and of this section, the procedure and the required documentation that the Competent Authority may require in order to ascertain:

(a) the existence of an insurance certificate that fulfills the obligation arising under section 5 of this Law and subsections (1) and (2) of this section and;

(b) that the furnished insurance is to the satisfaction of the Competent Authority, particularly with regard to its effectiveness;

may be prescribed by a relevant Notification of the Director published in the Official Gazette of the Republic.

Criminal offence.

7.- (1) A person who acts in contravention of the provisions of section 5 and/or 6 of this Law and/or a Notification issued under any of said sections commits a criminal offence and is liable to imprisonment not exceeding two years or to a fine not exceeding ten thousand euro (€10.000) or to both such sentences.

(2) (a) The criminal offence provided under subsection (1) above is also committed by a person submitting to the Competent Authority or to the Director any false, incomplete, imprecise or misleading information, regarding the existence of the insurance required under section 5 of this Law.

(b) In case of prosecution for an offence under paragraph (a) of this subsection, it shall be a defence for the accused if he proves that he gave the information in good faith and without knowledge that the given information was false, incomplete, imprecise or misleading.

PART III - CONTROL OF COMPLIANCE WITH THE INSURANCE OBLIGATION

Control of compliance of Cyprus ships.

8.- (1) The Competent Authority has the power to control and/or verify compliance of Cyprus ships, wherever these are around the globe, with the provisions of this Law.

(2) Without prejudice to any additional powers vested to the Competent Authority by virtue of this Law or any other Law, in case the Competent Authority:

(a) ascertains that an insurance certificate is not kept on board a Cyprus ship as required under this Law;

(b) ascertains that the insurance certificate kept on board a Cyprus ship does not comply with the provisions of this Law;

(c) ascertains that the furnished insurance does not fulfill the requirements of this Law, and /or

(d) is informed by the authorities of another Member State that a certificate of insurance is not kept on board a Cyprus ship fulfilling the provisions of Directive 2009/20/EC and/or of this Law and/or that in the opinion of the other Member State, the insurance does not fulfill the requirements of Directive 2009/20/EC and/or of this Law,

it may take any of the following decisions, until rectification of the non-compliance :

(aa) prohibit the performance of voyages;

(bb) order such Cyprus ship to move at a given position and remain there;

Provided that, the Cyprus ship shall comply with such an order issued by the Competent Authority as long as there is not in existence any conflicting order issued by the authorities of the other Member State acting as a coastal State by virtue of the provisions of Directive 2009/20/EC.

Control of compliance of foreign ships calling at ports of the Republic.

95(I) of 2011.

9.- (1) The PSC Competent Authority, within the context of the port State control as provided by the *Merchant Shipping (Port State Control) Law of 2011*, may control and/or verify compliance of foreign ships with the provisions of Directive 2009/20/EC and/or of this Law.

(2) In case where the PSC Competent Authority :

(a) ascertains that an insurance certificate is not kept on board a foreign ship as required under this Law;

(b) ascertains that the insurance certificate kept on board a foreign ship does not comply with the provisions of this Law;

(c) ascertains that the furnished insurance does not fulfill the requirements of this Law, and/or;

(d) is informed by the authorities of another Member State that a certificate of insurance is not kept on board a foreign ship complying with the provisions of Directive 2009/20/EC and/or of this Law and/or that in the opinion of the other Member State, the insurance does not fulfill the requirements of Directive 2009/20/EC and/or of this Law,

it may take any of the following decisions, until rectification of the non-compliance :

(aa) deny the entry of a foreign ship into a port of the Republic;

(bb) expel the foreign ship from a port of the Republic or from the territorial sea of the Republic, subject to the provisions of subsection (3) ;

(cc) prohibit the sailing of a foreign ship from a port of the Republic or from the territorial sea of the Republic;

(dd) order such foreign ship to move at a given position and remain there;

(3) (a) A decision of the PSC Competent Authority to expel a foreign ship from a port of the Republic and/or or from the territorial sea of the Republic as provided in subsection (2) (dd), shall be taken subject to the provisions of the *Merchant Shipping (Port State Control) Law of 2011*, regarding detention of a ship when safety issues are at stake.

(b) The PSC Competent Authority notifies the European Commission and the rest of the Member States of its decision to expel a ship from a port of the Republic or from the territorial sea of the Republic as provided in subsection (2) (dd).

Control of compliance of foreign ships operating within the territorial sea of the Republic.

10.- (1) Without prejudice to the provisions of section 9 of this Law, the Competent Authority may control and/or ascertain compliance of foreign ships operating within the territorial sea of the Republic with the provisions of this Law.

(2) In case where the Competent Authority :

(a) ascertains that an insurance certificate is not kept on board a foreign ship as required under this Law; or

(b) ascertains that the insurance certificate kept on board a foreign ship does not comply with the provisions of this Law;

(c) ascertains that the insurance furnished does not fulfill the requirements laid down by the provisions of this Law; and/or

(d) is informed by the authorities of another Member State that a certificate of insurance is not kept on board a foreign ship complying with the provisions of Directive 2009/20/EC and/or of this Law and/or that in the opinion of the other Member State, the insurance does not fulfill the requirements of Directive 2009/20/EC and/or of this Law,

it may take any of the following decisions, until rectification of the non-compliance :

- (aa) deny the entry of a foreign ship into a port of the Republic ;
- (bb) expel a foreign ship from a port of the Republic and/or from the territorial sea of the Republic, subject to the provisions of section 9(3) of this Law;
- (cc) prohibit the operation and or continuation of operation of a foreign ship within the territorial sea of the Republic;
- (dd) prohibit the sailing of a foreign ship from a port of the Republic and/ or from the territorial sea of the Republic;
- (ee) order such foreign ship to move at a given position in the territorial sea of the Republic and remain there.

*Administrative
decisions
and
compliance
with such.*

11.- (1) Each decision of the Competent Authority reached in accordance with the provisions of sections 8 or 10 of this Law, and each decision of the PSC Competent Authority, referred to in section 9 of this Law becomes enforceable by transmission by hand or by telex, fax or e-mail to the master and/or the operator of the ship concerned and is valid until either withdrawn by the Competent Authority, as provided in subsection (4) of this section or annulled, amended or replaced after a hierarchical recourse before the Minister by virtue of section 13 of this Law or before the Supreme Court by virtue of Article 146 of the Constitution.

(2) In each decision mentioned in subsection (1) of this section, the Competent Authority-

(a) lays down the grounds on which it had issued such a decision, and

(b) informs the person to whom the decision is transmitted of the right of the operator of the ship or of its representative in the Republic to appeal against the decision with a hierarchical recourse before the Minister in accordance with section 13 of this Law, or with a recourse before the Supreme Court in accordance with Article 146 of the Constitution.

(3) The master and the operator of the ship concerned each have the obligation, whilst the decision issued is in force, to comply with such.

(4) In case where the Competent Authority is satisfied that the grounds, for which it had issued a decision by virtue of sections 8 or 10 no longer

exist, or the PSC Competent Authority is satisfied that the grounds, for which it had issued a decision by virtue of section 9 no longer exist, it shall withdraw such decision through a written decision which it shall transmit by hand or telex or fax or e-mail to the master and /or the operator of the ship concerned.

(5) Any person who refuses or fails to comply with an obligation imposed by subsection (3) shall be guilty of a criminal offence and shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding ten thousand euro (€ 10.000) or to both such sentences.

(6) The criminal offence provided for in subsection (5) of this section is committed by any person who is a perpetrator or an accomplice or who assists in the commission of such offence according to sections 20 -23 of the *Criminal Code* and is subjected to the same sentences.

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3 of 1962
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44 of 1972
92 of 1972
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59 of 1974
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10 of 1981
46 of 1982
86 of 1983
186 of 1986
111 of 1989
236 of 1991
6(I) of 1994
3(I) of 1996
99(I) of 1996
36(I) of 1997
40(I) of 1998
45(I) of 1998
15(I) of 1999
37(I) of 1999
38(I) of 1999
129(I) of 1999
30(I) of 2000
43(I) of 2000
77(I) of 2000
162(I) of 2000
169(I) of 2000
181(I) of 2000
27(I) of 2001
12(I) of 2002
85(I) of 2002
144(I) of 2002
145(I) of 2002
25(I) of 2003
48(I) of 2003
84(I) of 2003
164(I) of 2003

124(I) of 2004
31(I) of 2005
18(I) of 2006
130(I) of 2006
126(I) of 2007
127(I) of 2007
70(I) of 2008
83(I) of 2008
64(I) of 2009
56(I) of 2011
72(I) of 2011
163(I) of 2011.

*Administrative
fine.*

12. - (1) In case where the Competent Authority has reasonable grounds to believe that a person by his act or omission does not fulfil any of his obligations under this Law or under any public instrument (regulations or orders) issued by virtue of this Law, the Competent Authority has a power to impose upon such person an administrative fine not exceeding eight thousand five hundred euro (€ 8.500), depending on the seriousness of the contravention and irrespective of whether or not there is a concurrent case of a criminal liability by virtue of this Law, or any other law or regulations.

(2) Prior to imposing an administrative fine the Competent Authority notifies the offender of the grounds for which it intends to impose the administrative fine, providing him the right to submit representations within a peremptory time-limit of 5 working days from the date of notice.

Provided that when a ship is within a port of the Republic or within the territorial sea of the Republic, or when a Cyprus ship was prohibited to sail, the Competent Authority shall have the right to:

(a) reduce the time-limit for submission of representations within a period which is not less than 24 hours from the time of notice, under the condition that the reduction of the time-limit is justified by the actual circumstances of each case and is justified in the relevant notice, and from the time-limit of the notice, and

(b) impose an administrative fine, on non-working days.

(3) The Competent Authority imposes an administrative fine by virtue of subsection (1) by a written and reasoned decision notified to such a person. This decision:

(a) lays down the contravention

(b) informs the offender:

(i) of his right to exercise a recourse against the decision:

(A) before the Minister; and

(B) before the Supreme Court in accordance with the provisions of Article 146 of the Constitution, and

(ii) of the time-limits within which the aforementioned rights may be exercised; and

(c) is rendered enforceable upon communication.

(4) The Minister has a power to prescribe through his indicative directions the criteria for calculating the amount of the administrative fine imposed under subsection (1), without thereby limiting, within the scope of the directions, the discretionary power of the Competent Authority to decide freely on the amount of the administrative fine imposed on the basis of the actual facts of each case.

(5) The affected person and his representative in the Republic, each have the right to file a hierarchical recourse, before the Minister, according to section 13, against a decision of the Competent Authority regarding the imposition of an administrative fine, by virtue of this Law.

(6)(a) In case the person on whom an administrative fine has been imposed refuses or omits to pay such fine, the Competent Authority institutes court proceedings and collects the amount due as a civil debt owed to the Republic.

(b) The sailing of a ship on which an administrative fine has been imposed by virtue of the provisions of this section shall be prohibited, and the Competent Authority shall allow the lifting of the prohibition of sailing, only when the administrative fine has been paid or an appropriate guarantee for the expenses has been deposited. Such guarantee may be a bank guarantee or other form of security accepted by the Competent Authority of equivalent amount issued by a recognised bank for the benefit of and with terms satisfying the Competent Authority.

(7) An administrative fine imposed on the operator of a ship, by virtue of this Law, constitutes a charge on the ship, which is satisfied in preference against the other creditors, but follow in rank the last mortgage.

(8) In case where an administrative fine imposed by virtue of the provisions of this Law, has been successfully challenged either before the Minister as provided in this section, or before the Supreme Court in accordance with the provisions of Article 146 of the Constitution, the following shall apply:

(a) subsections (6) and (7) shall not apply with respect to the administrative fine;

(b) the Competent Authority returns any sum of the aforementioned administrative fine paid, to the person who has paid such.

Hierarchical recourse.

13.- (1) (a) The operator of a ship, or his representative in the Republic, each have the right to file an hierarchical recourse, before the Minister and challenge any of the following decisions of taken either by the Competent Authority or by the PSC Competent Authority :

(i) denial of entry of a foreign ship into a port of the Republic;

(ii) expulsion of a foreign ship from a port of the Republic or from the territorial waters of the Republic;

(iii) prohibition of sailing of a foreign ship from a port of the Republic or from the territorial waters of the Republic;

(iv) prohibition to perform voyages regarding a Cyprus ship;

(v) order a ship to move at a given position and stay there;

(vi) impose an administrative fine by virtue of section 12 of this Law;

(vii) prohibition of the operation and/or continuation of operation of a ship within the territorial waters of the Republic;

Provided that, in the case of a recourse before the Minister against any decision taken by the PSC Competent Authority by virtue of the provisions of this Law, the provisions of this Law shall apply, and not the corresponding provisions of the *Merchant Shipping (Port State Control) Law of 2011*.

95(I) of 2011.

(b) The right to bring a recourse is exercised in writing within a time-limit of 15 days from the communication of the decision to the master of the ship or to the operator of the ship, or to his representative in the Republic.

(2) The recourse exercised under subsection (1) does not stay the execution of the challenged -disputed decision.

(3) The Minister shall examine the recourse and shall, after having heard the interested parties or having given them the opportunity to express their views in writing, issue a decision on it, pursuant to subsection (4), within not later than ten days.

(4) The Minister may decide—

- (a) To confirm the challenged decision;
- (b) to declare the challenged decision null and void;
- (c) to amend the challenged decision;
- (d) to issue a new decision in substitution of the challenged decision.

The decision issued by the Minister under this subsection, shall be notified to the applicant and the master of the ship in question.

(5) In the case where, the challenged decision under the provisions of subsection (1) above was issued by the Minister acting as the Competent Authority, subsections (1) to (4) shall apply, *mutatis mutandis*, as if it were on appeal to the Minister.

PART IV- FINAL PROVISIONS

*Making of
Regulations.*

14. The Council of Ministers has the power to make regulations to regulate any matter which is required or may be prescribed.

*Power
to amend
the
Schedule
of this Law.*

15. The Minister has the power to amend the Schedule of this Law by virtue of an Order published in the Official Gazette of the Republic.

SCHEDULE
(Section 4 (4))

- 63 of 1989*
185 of 1991
14(III) of 1997
47(III) of 2005.
- The International Convention on Civil Liability for Oil Pollution Damage of 1969 and related Protocols of 1976 and 1992 (Ratification) and for Matters Connected Therewith Laws of 1989 and 2005.
- 21 (III) of 2004.*
- The International Convention on Civil Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea of 1996 (Ratification) and for Matters Connected Therewith Law of 2004.
- 19 (III) of 2004.*
- The International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001 (Ratification) and for Matters Connected Therewith Law of 2004.
- Official Journal of
the European Union
L 103 28. 3. 2009,
p. 24.*
- Regulation (EC) No. 329/2009 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.