

**THE MERCHANT SHIPPING (COMMUNITY VESSEL TRAFFIC MONITORING  
AND INFORMATION SYSTEM) LAWS OF 2004 TO 2012<sup>1</sup>**

CLASSIFICATION OF SECTIONS AND SCHEDULES

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<sup>1</sup> **Consolidation Note:** Includes the amendments introduced by Laws 98(I)/2010, 98(I)/2010 and 92(I)/2012. These Laws were published in the Greek language in the Official Gazette of the Republic of Cyprus. This is an "unofficial" consolidated translation into English prepared by the Department of Merchant Shipping (DMS) 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 these Laws.**

**Disclaimer:** Consolidation entails the integration of basic instruments of Cyprus merchant shipping legislation, their amendments and corrections in single, non-official documents. Each document is intended for use as a documentation tool and the Department of Merchant Shipping of the Republic of Cyprus does not assume any liability for its content.

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LAW NO. 131 (I) OF 2004 AS AMENDED BY LAW NO. 98(I) OF 2010 AND LAW NO. 92(I)/2012

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF A COMMUNITY VESSEL TRAFFIC MONITORING AND INFORMATION SYSTEM AND FOR MATTERS CONNECTED THEREWITH

For the purposes of harmonisation with the Community Act titled “Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC” as last amended by Directive 2011/15/EU,<sup>2</sup>

The House of Representatives enacts as follows:

**PART I- PRELIMINARY PROVISIONS**

*Short title.*  
131(I) of 2004  
98(I) of 2010  
92(I) of 2012.

1. These Laws shall be cited as the Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Laws of 2004 to 2012.

*Interpretation.*

2. In this Law unless the context otherwise requires—

“address” means the name and the communication links whereby contact may, where necessary, be made with the operator, agent, Competent Authority, Director, Cyprus Ports Authority, or any other authorised person or body in possession of detailed information regarding the ship's cargo;

“agent” means any person mandated or authorised to supply information on behalf of the operator of the ship;

“Agreement” on the European Economic Area» means the Agreement on the European Economic Area that was signed at Oporto the 2<sup>nd</sup> May 1992, as may be amended;

“BC Code” means the IMO Code of Safe Practice for Solid Bulk Cargoes;

“cargo transport unit” means a road freight vehicle, a railway freight wagon, a freight container, a road tank vehicle, a railway wagon, or portable tank;

<sup>2</sup> Consolidation Note: Law 131(I)/2004 as amended by Laws 98(I)/2010 and 92(I)/2012 transposes into the Cyprus legal order **Directive 2002/59/EC** of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC, **as amended** by **Directive 2009/17/EC**, **Directive 2009/18/EC**, and **Directive 2011/15/EU** [present Consolidation does not include **Directive 2014/100/EU**, that will enter into force on 18 November 2015].

“casualty” means any casualty within the meaning of the IMO Code for the Investigation of Marine Casualties and Incidents;

“coastal station” as regards the Republic means any of the following:

(a) a vessel traffic service designated by the Competent Authority by virtue of section 13(2),

(b) a shore-based installation responsible for a mandatory reporting system approved by the IMO designated by the Competent Authority by virtue of section 13(2),

5(III) of 1994.

(c) The Search and Rescue Coordination Centre, referred to in section 6(1) of the *International Convention on Maritime Search and Rescue of 1979 (Ratification) and for Matters Connected Therewith Law of 1994*,

(d) The Department of Fisheries of the Ministry of Agriculture, Natural Recourses and Environment;

*Official Gazette,  
Supplement III (I):  
31.12.1999  
73 of 1973  
59 of 1975  
58 of 1977  
12 of 1979  
30 of 1982  
22(III) of 1993  
7(III) of 1996.*

“Code for the Investigation of Marine Casualties and Incidents” means the International Code for the Investigation of Marine Casualties adopted by the IMO by virtue of Resolution A.849(20) of its Assembly, dated 27 November 1997, which Code was approved by a Decision of the Council of Ministers, published in the Official Gazette of the Republic, issued under section 4 of the *Convention on the International Maritime Organization (Ratification) and for Matters Connected Therewith Laws 1973 to 1996*;

2(a) of 98(I)/2010.

“Committee on Places of Refuge-Safety” means the Committee on Places of Refuge-Safety established by virtue of section 22;

“company” means a company within the meaning of Regulation 1(2) of Chapter IX of the SOLAS Convention;

“Competent Authority” means the Minister and any other person designated by him by virtue of section 4;

2(a) of 98(I)/2010.

*45 of 1963  
32 of 1965*

“Cyprus fishing vessel” means a fishing vessel registered in the Register of Cyprus ships and flying the flag of the Republic, by virtue of the provisions of the *Merchant Shipping (Registration of*

82 of 1968  
 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.

*Ships, Sales and Mortgages) Laws of 1963 to 2005 or in the Register of Small Vessels maintained by the Department of Merchant Shipping by virtue of the Emergency Powers (Control of Small Vessels) Regulations of 1955;*

Official Gazette,  
 Supplement III:  
 1.12.1955.

“Cyprus ship” means a ship that is registered in the Register of Cyprus ships and flying the flag of the Republic, by virtue of the provisions of the *Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2005;*

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.

“Cyprus Ports Authority” means the authority that was established under section 4 of the *Cyprus Ports Authority Laws of 1973 to 1997;*

“dangerous goods” means any of the following:

- (a) goods classified in the IMDG Code,
- (b) dangerous liquid substances listed in Chapter 17 of the IBC Code,
- (c) liquefied gases listed in Chapter 19 of the IGC Code,
- (d) solids referred to in Appendix B of the BC Code.
- (e) goods for the carriage of which appropriate preconditions have been laid down in accordance with paragraph 1.1.3 of the IBC Code or paragraph 1.1.6 of the IGC Code;

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

- 2(b) of 98(I)/2010. “Directive 2002/59/EC” means the European Community act titled “Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC”(EE L 208 of 5.8.2002 p.10) as last amended by Directive 2009/17/EC and as may be amended or replaced;
- 2(a) of 98(I)/2010. “Directive 2009/17/EC” means the European Community act titled “Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system”;
- 2(a) of 98(I)/2010.  
Official Journal L 131,  
28.5.2009, p.128 “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 shipowners for maritime claims”;
- “Director” means the Director of the Department of Merchant Shipping;
- 2(a) of 98(I)/2010. “fishing vessel” means any vessel equipped for commercial exploitation of living aquatic resources;
- 77 of 1985  
32 of 1989  
24(III) of 1997  
10(III) of 2001. “IBC Code” means the IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, which was ratified by *the International Convention for the Safety of Life at Sea (Ratification) and for Matters Connected Therewith Laws of 1985 to 2001*.
- “IGC Code” means the IMO International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk which was ratified by virtue of *the International Convention for the Safety of Life at Sea (Ratification) and for Matters Connected Therewith Laws of 1985 to 2001*;
- Official Gazette  
Supplement III (I)  
15.5.1998. “IMDG Code” means the International Maritime Dangerous Goods Code, which Code was approved by a Decision of the Council of Ministers, published in the Official Gazette of the Republic, issued by virtue of section 4 of *the Convention on the International Maritime Organization (Ratification) and for Matters Connected Therewith Laws 1973 to 1996*;
- “IMO” means the International Maritime Organization;

- 2(a) of 98(I)/2010.* “IMO guidelines on the fair treatment of seafarers in the event of a maritime accident” means the guidelines as annexed to resolution LEG. 3(91) of the IMO Legal Committee of 27 April 2006 and as approved by the Governing Body of the ILO in its 296th session of 12 to 16 June 2006;
- 2(a) of 98(I)/2010.* “IMO Resolution MSC 150(77)” means the relevant IMO Resolution adopted by the Assembly at its seventy seventh session on 2<sup>nd</sup> June 2003, titled “Recommendation for Material Safety Data Sheets for MARPOL Convention Annex I cargoes and marine fuel oils” in its updated version;
- 2(a) of 98(I)/2010.* “IMO Resolution A.917(22)” means the International Maritime Organization Resolution 917(22) titled “Guidelines for the onboard use of AIS”, as amended by IMO Resolution A.956(23);
- 2(a) of 98(I)/2010.* “IMO Resolution A.949(23)” means the International Maritime Organization Resolution 949(23) titled “Guidelines on places of refuge for ships in need of assistance”;
- 2(a) of 98(I)/2010.* “IMO Resolution A.950(23)” means the International Maritime Organization Resolution 950(23) titled “Maritime assistance services (MAS)”;
- “IMO Resolution A.851(20)” means the relevant International Maritime Organization Resolution which was adopted by the General Assembly during its twentieth meeting on the 27<sup>th</sup> November 1997, titled "General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants";
- “INF Code” means the IMO Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on board Ships, adopted by the Maritime Security Committee of IMO by the Resolution MSC .88(71), dated 27<sup>th</sup> May 1999;
- “INTERVENTION Convention” means the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties of 1969 and its Protocol of 1973, relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil;
- “ISM Code” means the International Safety Management Code for the Safe Management of the Vessels and the Prevention of Pollution, adopted by IMO Assembly Resolution A. 741(18), dated

- Official Gazette  
Supplement III (I)  
31.12.1997.*
- 4<sup>th</sup> November 1993, which Code was approved by a Decision of the Council of Ministers, published in the Official Gazette of the Republic, issued by virtue of section 4 of *the Convention on the International Maritime Organization (Ratification) and for Matters Connected Therewith Laws of 1973 to 1996*;
- 2(a) of 98(I)/2010.*
- “LRIT System” means a system for the long-range identification and tracking of ships in accordance with regulation V/19-1 of the SOLAS Convention;
- 57 of 1989  
11(III) of 1995  
11(III) of 2001.*
- “MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships, 1973 and the 1978 Protocol thereto that were ratified by *the International Convention for the Prevention of the Pollution of the Sea from Ships (Ratification) and for Matters Connected Therewith Laws of 1989 to 2001*;
- “master” means the person having command of the ship;
- “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;
- “Minister” means the Minister of Communications and Works;
- “operator” means the shipowner 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;
- “place of refuge” means a port, the part of a port or another protective berth or anchorage or any other sheltered area identified, for accommodating ships in distress as prescribed in the plan which the Competent Authority draws up under section 22B<sup>3</sup>.
- “polluting goods” means anyone of the following:
- (a) oils as defined in Annex I to the MARPOL Convention,
  - (b) noxious liquid substances as defined in Annex II to the MARPOL Convention,
  - (c) harmful substances as defined in Annex III to the MARPOL

<sup>3</sup> Consolidation Note: Incorrectly referred to section 22(1) in the Greek version of the Laws. Following the 2010 amendment, (Law 98(I)/2010) plans are drawn up by the Competent Authority by virtue of new section 22B of the Laws.



Convention;

“port authority” with regard to a Member State other than the Republic, means the competent authority or body designated by Member States for each port to receive and pass on information reported pursuant to Directive 2002/59/EC;

*2(c) of 98(I)/2010.*

“relevant international instruments” means the following instruments, in their up-to-date version:

- (a) the MARPOL Convention;
- (b) the SOLAS Convention
- (c) the TONNAGE Convention;
- (d) the INTERVENTION Convention;
- (e) the SAR Convention;
- (f) the ISM Code;
- (g) the IMDG Code;
- (h) the IBC Code;
- (i) the IGC Code;
- (j) the BC Code;
- (k) the INF Code;
- (l) IMO Resolution A.851(20);
- (m) IMO Resolution A.917(22);
- (n) IMO Resolution A.949(23);
- (o) IMO Resolution A.950(23);
- (p) IMO guidelines on the fair treatment of seafarers in the event of a maritime accident;

*2(e) of 98(I)/2010.*

“SafeSeaNet” means the Community maritime information exchange system developed by the Commission in cooperation with the Member States to ensure the implementation of Community legislation;

*2(a) of 98(I)/2010.*

“SAR Convention” means the International Convention on Maritime Search and Rescue, 1979 that was ratified by the International Convention on Maritime Search and Rescue of 1979 (Ratification) and for Matters Connected Therewith Law of 1994;

“scheduled service” means a series of ship crossings operated so as to serve traffic between the same two or more ports, either according to a published timetable or with crossings so regular or frequent that they constitute a recognisable systematic series;

“ship” means any sea-going vessel or craft;

“ship in need of assistance” means, subject to the provisions of the

2(a) of 98(I)/2010.

SAR Convention concerning the rescue of persons, a ship in a situation that could give rise to its loss or an environmental or navigational hazard;

“shipowner” means any person having the ownership of the ship;

“shipper” means any person by whom or in whose name or on whose behalf a contract of carriage of goods has been concluded with a carrier;

“ship's routing system” means any system of one or more routes or routing measures aimed at reducing the risk of casualties; it includes traffic separation schemes, two-way routes, recommended tracks, areas to be avoided, inshore traffic zones, roundabouts, precautionary areas and deep-water routes;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea of 1974 (SOLAS) that was ratified by virtue of *the International Convention for the Safety of Life at Sea (Ratification) and for Matters Connected Therewith of 1985 to 2001*, together with the protocols and amendments thereto;

“survey” means any action taken under section 27;

“surveyor” means any person mentioned in section 27(1)(a);

45 of 1964.

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

11 of 1986.

“TONNAGE Convention 69” means the International Convention on Tonnage Measurement of Ships, 1969, that was ratified by virtue of *the International Convention on Tonnage Measurement of Ships, 1969 (Ratification) and for Matters Connected Therewith Law 1986*;

“traditional ships” means all kinds of historical ships and their replicas including those designed to encourage and promote traditional skills and seamanship, that together serve as living cultural monuments, operated according to traditional principles of seamanship and technique;

“third country” means a country that is not a Member State.

“vessel traffic service (VTS)” means a service designed to improve the safety and efficiency of vessel traffic and to protect the environment, which has the capability to interact with the traffic and to respond to traffic situations developing in the VTS area.

- Scope.*
- 3.** -(1) Subject to subsection (2), this Law applies to each one of the following ships, of a gross tonnage of 300 and above, unless provided otherwise in this Law-
- (a) Cyprus ship, wherever located;
  - (b) non Cyprus ship which is located within the territory of the Republic.
- 3(a) of 98(I)/2010.*
- (2) This Law shall not apply to the following, unless otherwise provided-
- (a) warships, naval auxiliaries and other ships which-
    - (i) are either owned by the Republic or other Member State or are operated by the Republic or other Member State, and
    - (ii) are used for non-commercial public service;
  - (b) Any of the following with a length of less than 45 metres-
    - (i) fishing vessels,
    - (ii) traditional ships,
    - (iii) recreational craft;
  - (c) bunkers on ships below 1 000 gross tonnage and ships' stores and equipment for use on board all ships.
- 3(b) of 98(I)/2010.*
- Exercise of powers and execution of duties of government officers and officials.*
- 4.** -(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 or any other person serving at the Department of Merchant Shipping;
  - (b) the Cyprus Ports Authority or any person serving there.
- In case of such assignment, the Minister retains the power to exercise such assigned power and to execute such assigned duty, 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.

*Public access  
to  
relevant  
instruments.*

**5. -(1) The Director-**

(a) safeguards the keeping in the Department of Merchant Shipping, of a copy of the relevant international instruments, standards, criteria, resolutions, Codes and other instruments of IMO or other international Organization, that are mentioned in this Law or in the regulations issued thereunder and of the notifications and orders issued by virtue of this Law and the plan that is drawn up by virtue of section 22B<sup>4</sup>, and

(b) provides to any person-

(i) access to any such text, provided that said person requests it in accordance with the prescribed manner, and

(ii) subject to subsection (2), a copy of any such text or part of it, provided that said person requests it in accordance with the prescribed manner and pays the fee to the Director, as prescribed by the Director and which, in any case, does not exceed the amount covering the expenses incurred by the Department of Merchant Shipping for producing the copy.

<sup>4</sup> Consolidation Note: Incorrectly referred to section 22(1) in the Greek version of the Laws. Following the 2010 amendment, (Law 98(I)/2010) plans are drawn up by the Competent Authority by virtue of new section 22B of the Laws.

(2) The Director provides to any person, without payment of the fee, copy of the plan that is drawn up under section 22B, provided said person requests for it in the determined manner.

(3) In subsections (1) and (2) “in accordance with the prescribed manner” means in writing or by fax or other electronic means.

## PART II- SHIP REPORTING, MONITORING AND EQUIPMENT

*Notification prior to entry into a port of a Member State.*

6. -(1) In the event where-

- (a) a ship is bound for a port of the Republic, or
- (b) a Cyprus ship is bound for a port of a Member State other than the Republic,

the operator, agent or master of the ship, each have an obligation to ensure that one of them notifies-

- (aa) to the Cyprus Port Authority, in the case mentioned in paragraph (a) and
- (bb) to the competent port authority of the other Member State in the case mentioned in paragraph (b),

*FIRST SCHEDULE.*

the information mentioned in paragraph 1 of the First Schedule-

- (aaa) at least twenty-four hours before the arrival of the vessel to the port of destination, or
- (bbb) at the latest, at the time the ship leaves the previous port, if the voyage time is less than twenty-four hours; or
- (ccc) if the port of call is not known or it is changed during the voyage, as soon as this information is available.

(2) In case where, under subsection (1), information is transmitted, in accordance with paragraph (ccc) of said subsection, to the Cyprus Ports Authority, or to a port authority of a Member State other than the Republic, the persons having the obligation to ensure the transmission of such information, jointly and severally bear the burden of proof that the port of destination was not known at the time of sailing or had changed during the voyage.

(3) In case of a change of any of the information mentioned in subsection (1), the master of the ship mentioned in said subsection, transmits, forthwith, such information to the Cyprus Ports Authority or, as the case may be, to the port authority of the Member State other than the Republic.

*Monitoring of ships entering the area of mandatory ship reporting systems.*

**7.** -(1) In case of a ship entering the area of a mandatory ship reporting system, adopted by the IMO under regulation 11 Chapter V of the SOLAS Convention and operating in the Republic, in accordance with the relevant guidelines and criteria developed by the IMO-

- (a) either only in the Republic or in the Republic and any other State, or
- (b) either only in a Member State other than the Republic or in such a Member State and any other State and the ship entering is a Cyprus ship,

the ship operator, the master and the agent of the ship, each have the obligation to ensure that one of them complies with the system, by reporting the information required to the observation station, subject to additional information required in accordance with IMO Resolution A.851(20) by the Competent Authority, or as the case may be by the competent authority of a Member State other than the Republic.

(2) In case where the Republic submits to the IMO either a new mandatory ship reporting system for adoption or a proposal to amend an existing reporting system, the Competent Authority ensures that the information referred to in paragraph 4 of the First Schedule are included in the proposal.

FIRST SCHEDULE.

*Use of automatic identification system (AIS) on ships.*

**8.** -(1) The operator and the master of a ship each have the obligation to ensure that the ship calls-

- (a) at a port of the Republic or
- (b) at a port of a Member State other than the Republic, if it is a Cyprus ship,

only if it is fitted with an Automatic Identification System (AIS) in accordance with the timetable set out in Part I of the Second Schedule.

SECOND SCHEDULE.  
PART I.

(2) The operator of a ship that is fitted with AIS and the master of such a ship, each have the obligation to maintain said system in operation at all times, except in cases where international agreements, rules or standards, provide for the protection of navigational information.

*Use of automatic identification system (AIS) by fishing vessels*

**8A.** -(1) The operator and the master of a fishing vessel with an overall length of more than 15 metres each have the obligation to ensure that a fishing vessel-

*with an overall length of more than 15 metres.*

*4 of 98(I)/2010.*

- (a) operates in the territorial sea or internal waters of the Republic or lands its catch in a port of the Republic, or
- (b) operates in the territorial sea or internal waters of a Member State other than the Republic or lands its catch in a port of a Member State other than the Republic, if the fishing vessel is a Cyprus fishing vessel,

only if is fitted with an Automatic Identification System (AIS) in accordance with the timetable set out in Part I of the Second Schedule.

*SECOND SCHEDULE,  
PART I.*

(2) The operator of a fishing vessel mentioned in subsection (1) and the master of such a vessel, each have an obligation to maintain said system in operation at all times, except in exceptional cases where the master is entitled to switch the system off if he considers this necessary in the interest of the safety or security of the vessel.

*Use of systems for the long-range identification and tracking of ships (LRIT).*

*4 of 98(I)/2010.*

**8B.** The operator and the master of a ship to which SOLAS regulation V/19-1 and the performance standards and functional requirements adopted by the IMO apply, each have the obligation to ensure that the ship calls-

- (a) at a port of the Republic or
- (b) at a port of a Member State other than the Republic, if it is a Cyprus ship,

only if it carries LRIT equipment.

*Use of ship's routing system.*

**9.** –(1) In case of a ship entering the area of a mandatory ship's routing system, adopted by the IMO in accordance with Regulation 10 Chapter V of the SOLAS Convention and operating-

- (a) either only in the Republic or in the Republic and any other State or
- (b) either only in a Member State other than the Republic or in such a Member State and any other State and the ship entering is a Cyprus ship,

the ship operator, the agent and the master of the ship each have an obligation to ensure that the ship uses the system in accordance with the relevant guidelines and criteria developed by the IMO.

(2) In case where the Republic, under its own responsibility, implements a ship's routing system, which has not been adopted by the IMO, the Competent Authority-

- (a) ensures that the system is implemented in accordance with the guidelines and criteria developed by the IMO, and
- (b) notifies, by virtue of a notification published in the Official Gazette of the Republic, all information necessary for the safe and effective use of the ship's routing system.

*Monitoring of the compliance of ships with vessel traffic services.*

**10.** -(1) In case of a ship entering the area of applicability of a vessel traffic service -VTS, operating in accordance with the guidelines developed by IMO-

- (a) either in the territorial sea of the Republic or in the territorial sea of the Republic and of any other State, or
- (b) either in the territorial sea of a Member State other than the Republic or in the territorial sea of such a Member State and of any other State and the ship is a Cyprus ship,

the operator and the master of the ship, each have an obligation to ensure that the ship is using said service and comply with, the rules of VTS.

(2) In case where-

(a) A ship is bound for a port of the Republic and entering the area of applicability of a VTS, operating outside the territorial sea of the Republic and based on the guidelines developed by the IMO, or

(b) a Cyprus ship entering the area of applicability of a VTS, operating outside the territorial sea of the Republic and based on the guidelines developed by the IMO,

the operator and the master of the ship each have an obligation to ensure that the ship complies with the rules of VTS.

(3) In case of a ship flying the flag of a third State and not bound for a port of the Republic, entering a VTS area outside the territorial sea of the Republic, the operator, the agent and the master of the ship, each have an obligation to ensure that the ship complies with the rules of VTS wherever possible.

(4) The Competent Authority reports to the competent authority of the flag State concerned any apparent serious breach of those rules in such a VTS area.

*Voyage data recorder systems (VDR).*

**11.** The operator and the master of the ship, each have an obligation to ensure that the ship calling-



- (a) at a port of the Republic, or
- (b) at a port of a Member State other than the Republic, if it is a Cyprus ship,

SECOND SCHEDULE.  
PART II.

only if is fitted with a voyage data recorder (VDR) system in accordance with the rules laid down in Part II of the Second Schedule.

*Casualty  
investigation.*

**12. Repealed by section 2 of Amendment Law 92(I)/2012.**

*Coastal  
stations.*

**13. -(1)** A person under the responsibility of whom a coastal station operates in the Republic that-

- (a) constitutes a vessel traffic service (VTS) or
- (b) is responsible for the operation of the ship's routing system,

shall ensure that the coastal station operates in accordance with the relevant IMO guidelines.

(2) The Competent Authority determines the coastal stations that operate in the Republic by virtue of a notification published in the Official Gazette of the Republic and which are other than the Search and Rescue Coordination Centre mentioned in section 6(1) of the *International Convention on Maritime Search and Rescue of 1979 (Ratification) and for Matters Connected Therewith Law of 1994*.

### **PART III- OBLIGATIONS REGARDING DANGEROUS OR POLLUTING GOODS ON BOARD SHIPS (HAZMAT)**

*Obligations on  
information for  
carriage and  
loading.*

**14. -(1)** Each shipper ensures that dangerous or polluting goods that fall within the scope of contract of transportation which concerns him-

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- (a) may be offered for carriage on board any ship, irrespective of its size, at a port of the Republic or
- (b) may be taken on board a ship, irrespective of its size, at a port of the Republic,

only provided that-

(aa) the shipper delivers to the operator or the master a declaration containing-

FIRST SCHEDULE.

- (i) the information listed in paragraph 2 of the First Schedule;
- (ii) for the substances referred to in Annex I to the MARPOL Convention, the safety data sheet detailing the physico-chemical characteristics of the products, including, where applicable, their viscosity expressed in cSt at 50 °C and their density at 15 °C and the other data contained in the safety data sheet in accordance with IMO Resolution MSC.150(77);
- (iii) the emergency numbers of the shipper or any other person or body in possession of information on the physico-chemical characteristics of the products and on the action to be taken in an emergency.

(bb) that the above mentioned shipment is indeed the one declared in compliance with the above mentioned declaration.

(2) In the case of a ship coming from a port of a third country and calling at a port in the Republic or its territorial sea, carrying dangerous or polluting goods on board, the operator or the master of such ship each have an obligation to ensure that the ship is in possession of a declaration, as provided for by the shipper, containing the information required under subsection (1).

*Notification of dangerous or polluting goods carried on board.*

**15. -(1)** In case of a ship, irrespective of size, carrying dangerous or polluting goods sailing-

- (a) from a port of the Republic, or
- (b) from a port of a Member State other than the Republic and is a Cyprus ship,

the operator, master or agent of the ship, each have an obligation to ensure that one of them, at the latest at the time of departure, forward the information referred to in paragraph 3 of the First Schedule-

FIRST SCHEDULE.

- (aa) to the Competent Authority, in the case mentioned in paragraph (a), or
- (bb) to the competent authority of the other Member State, or in case so permitted by said Member State, to the port authority of said Member State in the case mentioned in paragraph (b).

(2) In case of a ship ,irrespective of size, carrying dangerous or polluting goods leaving from a port of a third country and is bound firstly for-

- (a) either a port of the Republic or an anchorage located in the territorial waters of the Republic ,
- (b) either a port of a Member State other than the Republic or an anchorage located in the territorial waters of such a Member State and is a Cyprus ship,

the operator, master or agent of the ship, each have the obligation to ensure that one of them shall notify,

(aa) to the Competent Authority, in the case mentioned in paragraph (a), or

(bb) to the competent authority of the other Member State, or in case so permitted by said Member State, to the port authority of the other Member State, in the case mentioned in paragraph (b),

FIRST SCHEDULE.

the information contained in paragraph 3 of the First Schedule-

(aaa) at the latest upon departure from the loading port of the aforementioned goods, or

(bbb) in case the port or the anchorage of destination is unknown upon departure or changed during the voyage, as soon as the information is available.

(3) In case where pursuant to subsection (2), information is transmitted to the Competent Authority or to a competent or port authority of a Member State other than the Republic, as referred to in paragraph (bbb) of the same subsection, the persons having the obligation to ensure the transmission of these information, jointly and severally bear the burden of proof that the port or the anchorage of destination was unknown at the time of sailing or changed during the voyage.

(4) In case of a change to any of the information mentioned in subsection (1) or (2), the master mentioned in the same subsection, promptly transmits to the Competent Authority or, as the case may be, to the competent or port authority of a Member State other than the Republic the information that has changed.

(5) The operator, master or the agent of the ship ensure the following-

(a) (i) the electronic transmission to the Competent Authority of the information mentioned in subsections (1), (2) and (4) whenever possible, and

THIRD SCHEDULE.

(ii) if the electronic transmission of the information mentioned above is possible, the carrying out of such transmission in accordance with paragraph 2 of the Third Schedule.

(b) if it is a Cyprus ship-

(i) the electronic transmission, wherever possible, to the competent authority of a Member State other than the Republic, or if permitted by said Member State, to the port authority of said Member State, to the port authority of said Member State of the information mentioned in subsections (1), (2) and (4), and

THIRD SCHEDULE.

(ii) if the transmission of the above mentioned information is possible, the carrying out of this transmission in accordance with paragraph 2 of the Third Schedule.

THIRD SCHEDULE.

(6) (a) The Competent Authority acts in accordance with paragraph 1 of the Third Schedule and cooperates with the competent authorities of the other Member States in order to ensure the interconnection and interoperability of the communication system mentioned in the Third Schedule with the equivalent systems of the other Member States.

(b) the communication system mentioned in paragraph (a) must :

(i) effect the exchange of data and permit the receipt and processing of messages that are transmitted under this section.

(ii) allow the transmission of information on a 24 hours basis, and

6 of 98(I)/2010.

(iii) enable the Competent Authority to transmit without delay to the competent authority of another Member State, upon request, through SafeSeaNet, and if needed for the purpose of maritime safety or security or the protection of the maritime environment, information on the ship and the dangerous or polluting goods on board.

*Exemptions from an obligation imposed under section 15.*

**16.** –(1)(a) A company performing scheduled services between ports of the Republic and to which an obligation is imposed under section 15, regarding the transmission of information to the Competent Authority, has the right to submit to the Competent Authority, provided it pays to the Competent Authority the fee provided in subsection (17), a written application for being granted an exception to both such an obligation from the Competent Authority.

(b) Each application submitted to the Competent Authority under paragraph (a), contains the information:

- (i) reasonably necessary for examining the application and which the Competent Authority has the power to prescribe, and
- (ii) in any case, the conditions mentioned in subsection (4).

(2) The Competent Authority has the power to demand by written instructions from a company that has submitted an application under subsection (1)(hereinafter referred as “ the applicant”) to furnish in writing to the Competent Authority, within a justifiable time limit, prescribed by the Competent Authority in its written instructions, any information not contained in the applicant’s application and which is, to the judgement of the Competent Authority, reasonably necessary for examining the application.

(3) In case where an application by virtue of subsection (1) is submitted with the Competent Authority, the Competent Authority, examines the application and decides upon it within a reasonable time limit, subject to subsection (4) and transmits its decision, in writing, to the applicant.

(4) The Competent Authority has the power to grant an exemption from an obligation imposed under section 15 regarding the transmission of information, only if it is satisfied that the following conditions are met-

(a) the applicant has drawn a list of ships, with which it performs the scheduled voyages between the ports of the Republic and has included said list in the application submitted to the Competent Authority;

(b) The applicant is in a position to comply with the requirements provided in subsection (6).

(5) The Competent Authority has the power to refuse the granting of an exemption from an obligation imposed under section 15, regarding the transmission of information, on any grounds which, in the Competent Authority’s judgement, renders such refusal reasonably necessary, including on the following grounds-

- (a) refusal or omission of the applicant to pay to the Competent Authority the fee or to provide to the Competent Authority information in accordance with subsections (1) and (2).

(b) termination, by virtue of subsection (8)(a), of an exemption previously granted, termination which was not annulled by the Minister by virtue of section 31, in case where, in the Competent Authority's judgement, the grounds on which it based its decision for the termination, continue to exist.

(6) An exemption from an obligation imposed under section 15, which the Competent Authority has the power to grant by virtue of subsection (4), is subject-

(a) to the following conditions:

(i) the company to which the exemption is granted (hereinafter referred to in the present section as "the exempted company") updates the list of ships mentioned in subsection (4)(a) and transmits forthwith the updated list to the Competent Authority;

*FIRST SCHEDULE.*

(ii) the exempted company forwards to the Competent Authority, on the request of the latter, the information mentioned in paragraph 3 of the First Schedule regarding each voyage which the company performs in scheduled route between the ports of the Republic;

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(iii) the exempted company implements an internal system which ensures the transmission to the Competent Authority, following the request of the latter, on a continuous twenty four hour basis, the information mentioned in subparagraph (ii):

(A) electronically, if possible, and

*THIRD SCHEDULE*

(B) if the transmission of the information mentioned above is possible, in accordance with paragraph 2 of the Third Schedule;

(iv) any deviations from the estimated time of arrival at the port of destination or pilot station of three hours or more are notified to the port of arrival or to the Competent Authority in accordance with section 15;

(v) exemptions are only granted to individual ships as regards a specific service and are limited to voyages of a scheduled duration of up to 12 hours; and

(b) to any other conditions that the Competent Authority considers as reasonably necessary for regulating an exemption, including in any case the duration of the exemption, conditions which it prescribes in the decision under which it grants the exemption.

(7)(a) The Competent Authority has the power, following the granting of a reasonable written notice to the exempted company, to amend, on the grounds of public interest, either the exemption granted to the company or any condition of this exemption, excluding the conditions contained in subsection (6)(a); The Competent Authority transmits in writing to the exempted company its decision for amending the exemption.

(b) An exempted company is entitled to submit to the Competent Authority, provided it pays to the Competent Authority the fee referred to in subsection (17), a written application in order for the Competent Authority to amend either the exemption granted to the company or any condition of the exemption, excluding the conditions provided in subsection (6)(a). In case of submission of such an application, subsections (1)(b),(2),(3),(4),(5)(a) and (6) apply.

(8)(a) The Competent Authority has the power, with or without notifying the exempted company, to suspend or terminate an exemption from an obligation imposed under section 15, which was granted to the company by virtue of subsection (4) or by virtue of subsection (12), if it has reasonable grounds to believe that the company violates or fails to comply with any of the conditions to which the exemption is subjected in accordance with subsections (6), (7) or (12)(b) respectively. The Competent Authority transmits the soonest to the company concerned, in writing, its decision on the suspension or termination of the exemption it had granted.

(b) The Competent Authority has the power to lift, a suspension imposed under paragraph (a), if it is satisfied that the grounds which, in its judgement, led to the suspension, no longer exist, and has the obligation to transmit to the company concerned the soonest in writing its decision regarding the lifting of a suspension.

(9) The Competent Authority in each of its decisions-

(a) by virtue of subsection (3) or (7)(b), in case where the decision rejects or does not completely accept an application submitted by virtue of subsection (1) or (7)(b), respectively, or

(b) by virtue of subsection (7)(a) or (8)(a),

lays down duly and explicitly the grounds upon which a decision is based and informs the company to which it is transmitted-

(aa) of its right to challenge the decision by filing a recourse before the Minister according to section 31, and

(bb) of its right to challenge the decision by filing a recourse before the Supreme Court in accordance with Article 146 of the Constitution, and

(cc) about the time limit within which the above mentioned rights may be exercised, as prescribed in section 31 of this Law and Article 146 of the Constitution, respectively.

(10)(a) The Competent Authority notifies each of its decisions reached by virtue of this section to the Cyprus Ports Authority.

(b) Each decision of the Competent Authority reached by virtue of this section, becomes enforceable upon transmission to the company to which it is transmitted under this section.

(11) The Competent Authority ensures, through surveys, regular compliance control of the companies, which enjoy an exemption from an obligation imposed under section 15, exemption which was granted by the Competent Authority by virtue of subsection (4) or subsection (12), with the conditions to which the exemption granted is subjected, under subsection (6),(7) or (12)(b), respectively.

(12)(a) In case where a Member State requests from the Republic to exempt a company performing scheduled services between said Member State and the Republic from an obligation imposed to the company under section 15, the Competent Authority-

(i) grants the exemption, by a decision, provided it is satisfied that-

(A) the company maintains and updates a list of the ships through which it operates the aforementioned scheduled services, list which it discloses to the Competent Authority upon request of the latter.

(B) the company is in a position to comply with the conditions provided in subsection (6)(a), *mutatis mutandis*; and



(ii) it transmits its decision to the company.

(b) An exemption from an obligation imposed under section 15, which is granted by the Competent Authority under paragraph (a), is subject to the conditions provided in subsection (6)(a), *mutatis mutandis*.

(c) The Competent Authority notifies the following to the Member State which applied for an exemption of a company from an obligation under section 15 in accordance with paragraph (a):

(i) the decision through which the Competent Authority grants the exemption to the company;

(ii) any decision through which the Competent Authority either suspends or terminates the exemption under section (8)(a) or lifts a suspension of the exemption under subsection (8)(b).

(13) The Competent Authority notifies the following to the European Commission and to the Cyprus Ports Authority:

(a) a list of companies to which an exemption is granted from an obligation imposed under section 15 and any update thereto,

(b) the lists of ships mentioned in subsections (4)(a) and (12)(a)(i)(A) and any updated lists transmitted to the Competent Authority under section (6)(a)(i) or (12)(b).

(14) The person who-

(a) submits an application, under subsection (1) or (7)(b) containing false, inaccurate or misleading information, or

(b) submits information, under subsection (2) or (7)(b) which is false, inaccurate or misleading,

commits a criminal offence and is liable to-

(aa) in case of first offence, imprisonment not exceeding six months or fine not exceeding three thousand four hundred and seventeen euro (€ 3.417 )<sup>5</sup> or to both such sentences;

(bb) in case of subsequent offence, imprisonment not exceeding twelve months or fine not exceeding six thousand eight hundred and thirty four euro (€ 6.834 )<sup>6</sup> or to both such sentences.

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<sup>5</sup> Consolidation Note: Amount originally provided in Cyprus pounds and converted in EURO in accordance with Notification P.I. 312/2007 issued by the Minister of Finance pursuant to *the Adoption of the Euro Law of 2007* (Law 33(I)/2007 as amended).

(15) In case of a criminal prosecution for an offence under subsection (14) regarding the provision of false, insufficient, inaccurate or misleading data, it shall be a defence for the accused if he proves that the data were furnished in good faith and without knowledge that the data provided were false, insufficient, inaccurate or misleading.

(16) The person who acts contrary to or fails to comply with-

(a) a condition to an exemption granted to him either under subsection (4) or under subsection (12), or

(b) an enforceable decision of the Competent Authority for amending, suspending or terminating an exemption,

commits a criminal offence and is liable to imprisonment not exceeding twelve months or a fine not exceeding eight thousand five hundred and forty three euro (€8.543)<sup>7</sup> or to both such sentences.

(17) Any fee paid under subsection (1) or (7)(b) is prescribed by the Competent Authority and, in any case does not exceed the amount that covers the expenses which the Ministry of Communications and Works or any of its Departments or service or authority under the Ministry may incur for examining the relevant application, including the expenses for carrying out the inspection-survey of the applicant company and of the ships for which the relevant application is submitted.

#### **PART IV- HAZARDOUS SHIPS, INCIDENTS AND ACCIDENTS AT SEA, EXCEPTIONALLY BAD WEATHER AND PLACES OF REFUGE**

*Hazardous ships.*

**17. –(1)** Each of the following ships shall be considered as posing a potential hazard to shipping or a threat to maritime safety, the safety of individuals or the environment:

(a) a ship which, in the course of its voyage-

(i) has been involved in incidents or accidents at sea as referred to in section 18(1), or

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<sup>6</sup> Consolidation Note: See footnote 5 above.

<sup>7</sup> Consolidation Note : See footnote 5 above.

(ii) has failed to comply with the notification and reporting requirements imposed by virtue of this Law, or

(iii) has failed to comply with the applicable rules in ships' routing systems and VTS placed under the responsibility of the Republic or other Member State.

(b) a ship in respect of which there is proof or presumptive evidence of deliberate discharges of oil or other infringements of the MARPOL Convention in waters under the jurisdiction of the Republic or other Member State;

(c) a ship to which either access to ports of the Republic or other Member State has been refused or which has been the subject of a report or notification by a Member State in accordance with point 3 of Part A of the First Schedule of the *Merchant Shipping (Port State Control) First Notification of 2005*<sup>8</sup>.

*Gazette No. 3994,  
Supplement III (I), dated  
20.05.2005, P.I.  
256/2005.*

(d) a ship which has failed to notify, or does not have, insurance certificates or financial guarantees pursuant to any Community legislation and international rules;

*8 of 98(I)/2010.*

(e) a ship which has been reported by pilots or port authorities as having apparent anomalies which may prejudice its safe navigation or create a risk for the environment.

*8 of 98(I)/2010.*

(2) Each person, under the responsibility of whom a coastal station operates in the Republic, ensures the transmission of the information, which the coastal station holds in relation to a ship referred to in subsection (1), to the concerned coastal stations of other Member States located along the planned route of the ship.

(3)(a) Each person, under the responsibility of whom a coastal station operates in the Republic, to which station information was transmitted in accordance with article 16(2) of Directive 2002/59/EC, ensures the transmission of the information to the Competent Authority.

(b) The Competent Authority ensures, depending on the availability

<sup>8</sup> Consolidation Note : P.I. 256/2005 was repealed and replaced by P.I. 308/2011 [the latest issued under the new *Merchant Shipping (Port State Control) Law of 2011 (Law 95(I)/2011)* for harmonisation purposes with Directive 2009/16/EC].

Therefore, currently the corresponding provision ( of old P.I. 256/2005) is the **Third Schedule** of P.I. 308/2011 **point II 2A** (Inspection of ships- Overriding Factors) referring to “ *ships which have been the subject of a report or notification by another Member State*”.

of surveyors, the carrying out, on its own initiative or at the request of a Member State other than the Republic, of any appropriate inspection or verification, with regard to a particular ship referred to in subsection (1) and within a port of the Republic, subject to any survey obligation that is imposed by the *Merchant Shipping (Port State Control) Laws of 2001 and 2004*<sup>9</sup>. The Competent Authority informs all Member States concerned of the findings of any action taken in accordance with this paragraph.

47(I) of 2001.  
27(I) of 2004.

*Reporting of incidents  
and accidents at sea.*

**18.** –(1) Subject to international law and with a view to preventing or mitigating any significant threat to maritime safety, the safety of individuals or the environment, the master of a ship sailing-

(a) within the search and rescue region-area mentioned in section 5 of the *International Convention on Maritime Search and Rescue of 1979 (Ratification) and for Matters Connected Therewith Law of 1994*, or

(b) within the search and rescue region-area/exclusive economic zone or equivalent region-area/zone that is under the jurisdiction of a Member State other than the Republic, if it is a Cyprus ship,

promptly reports to the coastal station responsible for that geographical area any of the following:

(aa) any incident or accident affecting the safety of the ship, such as collision, running aground, damage, malfunction or breakdown, flooding or shifting of cargo, any defects in the hull or structural failure;

(bb) any incident or accident which compromises shipping safety, such as failures likely to affect the ship's manoeuvrability or seaworthiness, or any defects affecting the propulsion system or steering gear, the electrical generating system, navigation equipment or communications equipment;

(cc) any incident that-

(i) either concerns the ship, or it does not, but it is brought to the knowledge of the master, and

(ii) may lead to pollution of the waters or shore of the Republic or

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<sup>9</sup> Consolidation Note : Repealed and replaced by the *Merchant Shipping (Port State Control) Law of 2011 ( Law 95(I)/2011)* for harmonisation purposes with Directive 2009/16/EC.

of another Member State, such as the discharge or threat of discharge of polluting products into the sea;

(dd) any slick of polluting materials and containers or packages seen drifting at sea, which either originate from the ship or do not but are brought to the knowledge of the master.

(2) In the report message sent by virtue of subsection (1), the master shall include the ship's identity, its position, the port of departure, the port of destination, the address from which information may be obtained on the dangerous and polluting goods carried on board, the number of persons aboard, details of the incident and any other relevant information referred to in IMO Resolution A.851(20).

(3) In case of a criminal prosecution for non-compliance with subsection (1)(c) or (d), proof that the ship was in the area in which anything mentioned in subsection (1)(c) or (d) took place, constitutes evidence that it was brought to the knowledge of the master of the ship.

(4) (a) Each person, under the responsibility of whom a coastal station operates in the Republic ensures-

(i) the direct transmission to the Competent Authority of any information transmitted to the coastal station under this section, and

(ii) the full use of the information transmitted to the coastal station under this section.

(b) The Competent Authority ensures the full use of the information transmitted by virtue of paragraph (a).

*Measures relating to incidents or accidents at sea.  
9(a) of 98(I)/2010.*

**19.** -(1)(a) In the event of an incident or accident at sea as referred to in section 18(1), the Committee on Places of Refuge-Safety, where necessary, shall take all appropriate measures consistent with international law, to ensure the safety of shipping and of persons and to protect the marine and coastal environment.

*FOURTH SCHEDULE.*

The Fourth Schedule sets out a non-exhaustive list of measures available to the Committee on Places of Refuge-Safety, pursuant to this paragraph .

*FOURTH SCHEDULE.*

(b) The execution of a power by the Committee on Places of Refuge-Safety, mentioned in paragraph 1(a) of the Fourth Schedule, in connection with any ship, does not affect the obligation of the

master for the safe command of his ship.

*FOURTH SCHEDULE.*

(c) In case of piloting or towing of a ship, in accordance with paragraph 1(d) of the Fourth Schedule, the piloting or towing expenses are borne by the operator of the affected ship.

(2) In case of an accident or incident at sea, provided for in section 18(1) and concerning a ship, the operator, the master of the ship and the owner of the dangerous or polluting goods carried on board each have an obligation, in accordance with international law and the laws of the Republic, to cooperate fully with the Committee on Places of Refuge-Safety and with any other competent authority of the Republic, at the latter's request, with a view to minimising the consequences of an incident or accident at sea.

*9(b) of 98(I)/2010.*

To this end the aforementioned persons each have an obligation to communicate to the Competent Authority, on request, the information provided for in section 14.

(3) The master of a ship to which the provisions of the ISM Code apply, in accordance with that Code, informs the company of any incident or accident, as referred to in section 18(1), which occurs at sea. As soon as it has been informed of such a situation, the company contacts the competent coastal station and places itself at its disposal as necessary.

*9(c) of 98(I)/2010.*

(4) In implementing this Law, the Competent Authority takes into account the relevant provisions of the IMO Guidelines on the fair treatment of seafarers in the event of a maritime accident occurring in the waters under the jurisdiction of the Republic.

*Information of the parties concerned.*

**20.** –(1) The competent coastal station of the Republic shall, as necessary, broadcast within the relevant areas any incident or accident notified under section 18 and information with regard to any ship that poses a threat to maritime safety, the safety of individuals or the environment.

(2)(a) The Competent Authority holding information notified in accordance with sections 15 or 18 makes adequate arrangements to provide such information, at any time, upon request for safety reasons to the competent authority of another Member State.

(b) Each person, under the responsibility of whom a coastal station operates, holding information notified in accordance with section 18 shall make adequate arrangements to provide such information, at any time, upon request for safety reasons to the competent

authority of another Member State.

(3) In case where the Competent Authority has been informed, pursuant to this Law, Directive 2002/59/EC or in some other way, of facts which involve or increase the risk for another Member State of a hazard being posed to certain shipping areas and coastal zones, the Competent Authority shall take the appropriate measures to inform the competent authority of the interested Member State thereof as soon as possible and consult it regarding the action being envisaged. Where appropriate, the Competent Authority shall cooperate with the competent authorities of the interested Member States, with a view to pooling the arrangements for joint action.

*Measures in the event of exceptionally bad weather.*

**21.-** (1)(a) Where the Competent Authority considers, in the event of exceptionally bad weather or sea conditions, that there is a serious threat of pollution of the shipping areas or coastal zones of the Republic, or of the shipping areas or coastal zones of other States, or that the safety of human life is in danger it-

(i) where possible, fully informs the master of any ship which is in the port area of the Republic and intends to enter or leave that port, of the sea state and weather conditions and, when relevant and possible, of the risks that exist in relation to the ship, the cargo, the crew and the passengers;

(ii) has the power to take, subject to the duty of assisting ships in distress in accordance with section 22, any other appropriate measures, which may include a recommendation or a prohibition either for a particular ship or for ships in general to enter or leave the port in the areas affected, until it has been established that there is no longer a risk to human life and the environment;

(iii) takes appropriate measures to limit as much as possible or, if necessary, prohibit the bunkering of ships in the territorial waters of the Republic.

(b) The Competent Authority exercises the power of prohibition of sailing or entering of the ship provided for in paragraph (a)(ii) in accordance with section 28.

(2) The Competent Authority bases any action taken under subsection (1), upon the sea state and weather forecast provided by a qualified meteorological information service recognised by the Republic.

(3)(a) The master of a ship shall inform the company of any action

taken by the Competent Authority in accordance with subsection (1), concerning the ship.

(b) None of the actions taken by the Competent Authority under subsection (1) prejudice the decision of master based on his professional judgement in accordance with the SOLAS Convention. Where the decision taken by the master of the ship is not in line with any action taken by the Competent Authority under subsection (1), the master informs the Competent Authority of the reasons for his decision.

*Measures in the event of risks posed by the presence of ice. 10 of 98(I)/2010.*

**21A.** -(1) Where the Competent Authority considers, in view of ice conditions, that there is a serious threat to the safety of human life at sea or to the protection of the shipping areas or coastal zones of the Republic, or of the shipping areas or coastal zones of other Member States:

(a) it supplies the master of a ship which is in the area of competence of the Republic, or intends to enter or leave one of the ports of the Republic, with appropriate information on the ice conditions, the recommended routes and the icebreaking services in their area of competence;

(b) it may, subject to the duty of assistance to ships in need of assistance and other obligations flowing from relevant international rules, request that a ship which is in the area concerned and intends to enter or leave a port or terminal or to leave an anchorage area document that it satisfies the strength and power requirements commensurate with the ice situation in the area concerned.

(2) The Competent Authority bases measures taken pursuant to subsection (1), as regards the data concerning the ice conditions, upon ice and weather forecasts provided by the Meteorological Service of the Ministry of Agriculture, Natural Resources and Environment, or by a qualified meteorological information service recognised by the Republic.

*Committee on Places of Refuge-Safety. 11 of 98(I)/2010.*

**22.** -(1) The Committee on Places of Refuge-Safety is hereby established, composed by the following-

- (a) the Director, as Chairman of the Committee, or in his absence, the person acting on his behalf;
- (b) an officer of the Department of Merchant Shipping, appointed by the Director;



- (c) a representative of the Cyprus Ports Authority;
- (d) a representative of the Department of Fisheries and Marine Research of the Ministry of Agriculture, Natural Resources and Environment;
- (e) a representative of the Department of Environment of the Ministry of Agriculture, Natural Resources and Environment and;
- (f) A representative of the District Administration concerned.

## FOURTH SCHEDULE.

5(III) of 1994  
13(III)/2007.

(2) In case of an incident dealt by virtue of the powers contained in the Fourth Schedule, the Director, has the power to broaden the above normal composition of the Committee on Places of Refuge-Safety with a representative of the Search and Rescue Coordination Centre provided for in section 6(1) of *the International Convention on Maritime Search and Rescue of 1979 (Ratification) and for Matters Connected Therewith Laws of 1994 and 2007* and with one representative of any other government service of the Republic concerned.

(3) The Committee on Places of Refuge-Safety is convened by the Chairman. The Committee on Places of Refuge-Safety lawfully assembles and reaches decisions if the Director and three of its members are present at the meeting. The decisions are reached by majority, in the case of parity of votes, the Chairman shall have a casting vote.

(4) The Committee on Places of Refuge-Safety has the power to call before it experts from the public or private sector to assist in the decision making.

(5) The Committee on Places of Refuge-Safety meets regularly in order to exchange expertise and improve measures taken pursuant to section 22A. The Committee on Places of Refuge-Safety meets at any time on account of specific circumstances.

*Measures for the accommodation of ships in need of assistance.*  
12 of 98(I)/2010.

**22A.** -(1)(a) The Committee on Places of Refuge-Safety takes independent decisions on its own initiative concerning the accommodation of ships in need of assistance.

(b) In the event of a threat to maritime safety and protection of the environment, the Committee on Places of Refuge-Safety has the power to take any of the measures included in the non-exhaustive list set out in the Fourth Schedule, including ordering that a ship-

## FOURTH SCHEDULE.

(i) remains at a certain location; or

(ii) moves from a certain location and remains there.

(c) The Committee on Places of Refuge-Safety decides on the acceptance of a ship in a place of refuge following a prior assessment of the situation carried out on the basis of the plans referred to in section 22B. The Committee on Places of Refuge-Safety ensures that ships are admitted to a place of refuge if it considers such an accommodation the best course of action for the purposes of the protection of human life or the environment.

(2)(a) The absence of an insurance certificate within the meaning of Article 6 of Directive 2009/20/EC shall not exonerate the Committee on Places of Refuge-Safety from the preliminary assessment and decision referred to in subsection (1), and shall not in itself be considered sufficient reason for the Committee on Places of Refuge-Safety to refuse to accommodate a ship in a place of refuge.

(b) Subject to paragraph (a), when accommodating a ship in a place of refuge, the Committee on Places of Refuge-Safety may request the ship's operator, agent or master to present an insurance certificate within the meaning of Article 6 of Directive 2009/20/EC. The act of requesting the certificate shall not lead to a delay in accommodating the ship.

(3) For the purposes of subsection (1), section 28 applies as if it referred to the Committee on Places of Refuge-Safety instead of the Competent Authority.

*Plans for the accommodation of ships in need of assistance. 12 of 98(I)/2010.*

**22B.** –(1) The Competent Authority, having consulted the Committee on Places of Refuge-Safety, draws up plans for the accommodation of ships in order to respond to threats presented by ships in need of assistance in the waters under the jurisdiction of the Republic, including, where applicable, threats to human life and the environment. The Committee on Places of Refuge-Safety participates in carrying out those plans.

(2) The plans referred to in subsection (1) are prepared after consultation of the parties concerned, on the basis of IMO Resolutions A.949(23) and A.950(23), and shall contain at least the following:

- (a) the identity of the authority or authorities responsible for receiving and handling alerts;
- (b) the identity of the competent authority for assessing the

- situation and taking a decision on acceptance or refusal of a ship in need of assistance in the place of refuge selected;
- (c) information on the coastline of the Republic and all elements facilitating a prior assessment and rapid decision regarding the place of refuge for a ship, including a description of environmental, economic and social factors and natural conditions;
  - (d) the assessment procedures for acceptance or refusal of a ship in need of assistance in a place of refuge;
  - (e) the resources and installations suitable for assistance, rescue and combating pollution;
  - (f) procedures for international coordination and decision-making;
  - (g) the financial guarantee and liability procedures in place for ships accommodated in a place of refuge.

(3) The name and contact address of the Competent Authority, the Committee on Places of Refuge-Safety as well as the authority appointed for receiving and handling alerts are notified by a Notification of the Director published in the Official Gazette of the Republic<sup>10</sup>.

(4)(a) On request by a neighbouring Member State, the Republic communicates the relevant information concerning plans for accommodating ships in need of assistance.

(b) In implementing the procedures provided for in the plans for accommodating ships in need of assistance, the Competent Authority ensures that relevant information is made available to the parties involved in the operations.

(c) In the event that the Republic is a recipient of information by another Member State under Article 20a(3) of Directive 2002/59/EC, then such information is treated with confidentiality.

#### **PART V- RELEVANT OBLIGATIONS OF THE COMPETENT AUTHORITIES OF THE REPUBLIC**

*Designation and publication of a list of competent bodies.*

**23.** -(1) The Competent Authority ensures that the shipping industry is properly informed and regularly updated, notably via nautical publications, regarding the following-

- (a) the competent authorities of the Republic to which information, data and messages are transmitted in accordance with this Law, i.e. the Competent Authority, the Cyprus Ports Authority

<sup>10</sup> Consolidation Note: relevant is *The Community Vessel Traffic Monitoring and Information System (Prescription of Contact Details) Notification of 2010*, P.I. 476/2010 (Official Gazette, Supplement III(I), dated 26.11.2010).

and the coastal stations of the Republic;

(b) where appropriate, the geographical area of competence of the aforementioned competent authorities;

(c) the procedures laid down in the present Law for notifying the information, data and messages required, to the above mentioned competent authorities.

(2) The Competent Authority sends to the Commission a list of the competent authorities of the Republic designated pursuant to subsection (1), as well as any updating thereof.

*Community maritime information exchange system (SafeSeaNet). 13 of 98(I)/2010.*

**23A.** –(1) The Competent Authority establishes maritime information management systems, at national or local level, to process the information referred to in this Law.

(2) The systems set up pursuant to subsection (1) allow the information gathered to be used operationally and satisfy, in particular, the conditions laid down in section 15(6).

(3) To guarantee an effective exchange of the information referred to in this Law, the Competent Authority ensures that national or local systems set up to gather, process and preserve that information, can be interconnected with SafeSeaNet. The description and principles of SafeSeaNet are laid down in the Third Schedule.

*THIRD SCHEDULE.*

(4) Subject to subsection (3), the Competent Authority, where operating under intra-Community agreements or in the framework of cross-border interregional or transnational projects within the Community, ensures that information systems or networks comply with the requirements of this Law and are compatible with and connected to SafeSeaNet.

*Obligations of the Republic vis a vis the European Union.*

**24.** –(1)The Competent Authority, as competent authority of the Republic, cooperates with the Commission of the European Communities and the competent authorities of other Member States in attaining the objectives mentioned in Article 23 of Directive 2002/59/EC and acts as required by that Article.

(2) The Competent Authority transmits to the Commission of the European Communities the reports mentioned in Article 26(1) of Directive 2002/59/EC, within the deadline prescribed in said Article for submitting the report.

*14 of 98(I)/2010.*

(3) The Competent Authority, as competent authority of the

Republic-

(a) cooperates with the European Commission in meeting the objectives referred to in Article 6b(2) of Directive 2002/59/EC and acts as required under said Article;

(b) acts as required under Article 20a(4) of Directive 2002/59/EC.

*Confidentiality of information.  
15 of 98(I)/2010.*

**25.** -(1) In case where, in accordance with this Law, information, data or message is submitted to the Competent Authority, the Committee on Places of Refuge-Safety, the Cyprus Ports Authority or to a coastal station of the Republic, no person, having access to the information, data or message given in the transmission, discloses or transmits such, otherwise than in accordance with the provisions of this Law or Directive 2002/59/EC.

(2) Any person violating or not complying with the obligation imposed by subsection (1)-

(a) commits a criminal offence and is subject to a fine not exceeding three thousand four hundred and seventeen euro (€3.417)<sup>11</sup>. and

(b) in case of a public servant, such person commits a disciplinary offence punishable under the *Public Service Laws of 1990 to 2004*.

*1 of 1990  
71 of 1991  
211 of 1991  
27(I) of 1994  
83(I) of 1995  
60(I) of 1996  
4(I) of 2001  
94(I) of 2003  
128(I) of 2003  
183(I) of 2003  
31(I) of 2004.*

(3) In case of a criminal or disciplinary prosecution for an offence under subsection (2), it shall be a defence for the accused if he proves that he had disclosed or transmitted information, for evidence purposes, during the hearing of a civil or criminal case before a Court.

*Obligations of the Competent Authority regarding the implementation of this Law.*

**26.** -(1) The Competent Authority ensures the regular carrying out of inspections and of any other action required to check the functioning of the shore-based telematic systems set up to meet the requirements of this Law, and in particular their capacity of

<sup>11</sup> Consolidation Note: see footnote 5 above.

promptly receiving or sending, on a twenty four hours basis, any information notified pursuant to sections 15 or 16.

(2) The Competent Authority ensures the prompt notification of the Cyprus Ports Authority, the flag State and any other State concerned of measures taken in respect of a ship not flying the flag of the Republic pursuant to sections 17 or 19, as well as of any administrative fines and criminal sanctions imposed under this Law in connection with such ship.

(3) Where the Competent Authority finds, on the occasion of an incident or accident at sea referred to in section 18(1), regarding a ship sailing either within the search and rescue region-area mentioned in section 5 of *the International Convention on Maritime Search and Rescue of 1979 (Ratification) and for Matters Connected Therewith Law of 1994* or within the exclusive economic zone or equivalent region under the jurisdiction of the Republic, that a company has not been able to establish and maintain a link with a ship the master of which informed accordingly the Competent Authority pursuant to section 19(3), or with the coastal stations concerned, in accordance with section 19(3), then the Competent Authority shall so inform the competent authority of the State, if this is not the Republic, which issued the ISM document of compliance and associated safety management certificate, or on whose behalf it was issued.

(4) On the occasion of an incident or accident at sea referred to in section 18(1), which whether occurred in the Republic or not, if the Competent Authority finds that-

(a) a company established in a Member State, failed to communicate and maintain a link with either a Cyprus ship although its master informed the Competent Authority in accordance with section 19(3), or with the coastal station as required under section 19(3), and

(b) the severity of the malfunction shows the existence of a major incidence of non-compliance in the functioning of the safety management system of the company,

the Competent Authority promptly takes the appropriate measures with the view to having the document of compliance issued to both such ship as well as the associated safety management certificate withdrawn.

**PART VI- STATE CONTROL PROCEDURES OF COMPLIANCE WITH  
THIS LAW AND TAKING OF THE APPROPRIATE MEASURES**

*Powers of  
surveyors.*

**27. - (1)(a)** The powers conferred by this section, with respect to the survey of a ship are conferred to-

(i) any surveyor appointed by the Council of Ministers by virtue of section 3(2)(a) of the *Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2003*, and

(ii) any inspector of ships appointed by the Council of Ministers under section 3(2)(b) of the *Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2003*.

(b) For the purposes of paragraph (a), section 3(2) of the *Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2003* applies as if the words "for the purposes of this Law and of the Code", contained in paragraphs (a) and (b) of said section, had been replaced by the words "for the purpose of this Law, the Code and the *Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Law of 2004*".

*131(l) of 2004.*

(2) For the purposes of determining the conformity of any obligation or power deriving either from Part II, Part III or Part IV or from regulations or orders issued by virtue of this Law, each surveyor has the power within a reasonable time (or, in case he reasonably believes that this will involve danger, at any time),

(a) to enter, survey, search and inspect any premises or other area, apart from a residence, where he has a reasonable grounds to believe that one of the following is based:

- (i) company,
- (ii) the operator of the ship,
- (iii) the agent
- (iv) the shipper
- (v) the owner of polluting or dangerous goods' and

(b) to stop, enter, survey and inspect any ship, whether this is moored or is afloat, and to offer the master any assistance thought necessary' and

(c) to examine any evidence, recorded in any computerised, electric or electronic data systems and any books and documents which are either at any premises or other area or on a ship, to which he is empowered to enter by virtue of paragraphs (a) and (b), for which he has reasonable grounds to believe that contain information or records relating to any obligation which derives as

mentioned above, and to copy and photocopy, and to remove any copies, photocopies and their extracts, under the condition that, with respect to the extracts, he has reasonable grounds to believe that these extracts may be needed as proof in any criminal proceedings with respect to any contravention or omission to comply with this Law or the regulations or orders, issued thereunder; and

(d) to enter either any premises or other area (excluding residences) or any ship -

(i) accompanied by any other person, whose presence he deems necessary for any purpose for which he carries out the powers under the present subsection or subsection (3), and

(ii) carrying along any equipment or materials, which he deems necessary for any purpose for which he is vested out with the powers under the present subsection or subsection (3).

(3) The operator of a ship, the master of such ship, any company, agent, shipper and owner of polluting or dangerous goods each have the duty to provide the surveyor, provided that the latter reasonably requests this with-

(a) any facilitation, and

(b) any information, and

(c) a signed statement as to the truth of the information given to the surveyor,

The surveyor has the power to demand and receive such facilitation, information and statement.

(4) Each surveyor, prior and at the time of exercising the powers conferred on him under subsections (2) and (3), must upon being requested to do so, show identification document which is issued by the Minister under the *Merchant Shipping (Identity Cards of Surveyors and Inspectors of Ships) Regulations of 2000*, as amended or replaced.

(5) A person commits a criminal offence if:

(a) he refuses or omits to comply with any obligation, imposed on him under subsection (3) or



(b) notwithstanding the generality of paragraph (a), he withholds, destroys or alters information, statements, details, books or documents, or gives a surveyor false, incomplete, imprecise or misleading information, statements, details, books or documents or denies to give a surveyor information, statements, details, books or documents, such information, statements, details, books or documents having been requested by the surveyor during the exercise of the powers conferred on him by the present section,

and is liable-

(aa) in case of a first conviction, to imprisonment not exceeding six months or to a fine not exceeding three thousand four hundred and seventeen euro (€3.417) <sup>12</sup> or to both such sentences;

(bb) in case of a subsequent offence, to imprisonment not exceeding twelve months or to a fine not exceeding six thousand eight hundred and thirty four euro (€6.834) <sup>13</sup> or to both such sentences.

(6) In the case of prosecution for an offence under subsection (5)-

(a) with respect to the denial or omission to comply with an obligation imposed under subsection (3), it shall be a defence for the accused if he proves that he had reasonable grounds for said denial or omission;

(b) with respect to the provision of false, incomplete, imprecise or misleading information, statement, detail, book or document it shall be a defence for the accused if he proves that he gave the information, statement, detail, book or document in good faith and without knowledge that the given information, statement, detail, book or document was false, incomplete, imprecise or misleading.

*Procedure of taking binding measures by the Competent Authority.*

**28. -(1)** Where this Law or the regulations issued thereunder, provide that the Competent Authority exercises a power in accordance with the present section, the Competent Authority exercises said power by written instructions transmitted by hand or by telex, fax or e-mail to the master of the ship concerned.

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<sup>12</sup> Consolidation Note: See footnote 5 above.

<sup>13</sup> Consolidation Note: See footnote 5 above.

(2) Each instruction referred in subsection (1) becomes enforceable by transmission to the master of the ship concerned and is valid until either withdrawn by the Competent Authority, as provided in subsection (8) or will be annulled, amended or replaced after an objection or hierarchical recourse before the Minister or judicial recourse.

(3) In each instruction mentioned in subsection (1), the Competent Authority-

(a) duly lays down with clarity the grounds on which the power is exercised and in particular-

(i) the findings of the inspection that took place and on which the grounds for exercising the power are based, and

(ii) the corrective measures that, in its judgment, must be taken in order to lift the grounds for which the power is exercised.

(b) informs the master to whom the instruction is transmitted of-

(i) the right to object, provided for in subsection (5), of the master, the operator and of the legal representative of the operator in the Republic of the ship concerned, and

(ii) the right of the master, the operator and of the legal representative of the operator in the Republic of the ship to appeal against the instruction-

(A) with recourse before the Minister in accordance with section 31, and

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

(iii) about the time limits within which the above mentioned rights may be exercised and which are prescribed in section (31) of this Law and in Article 146 of the Constitution respectively.

(4) The Competent Authority has the right to instruct, through the instruction mentioned in subsection (1), that the ship concerned

(a) remains at a certain place, or

(b) be moved at a certain place and remains there.

(5)(a) The master of the ship concerned, the operator of such a ship and the legal representative of the operator in the Republic, each

have the right to challenge said instruction by filing an objection, before the Competent Authority, within a time period of 7 days starting from the date of transmission of said instruction to the master.

(b) The objection mentioned in paragraph (a) does not stay the execution of said instruction.

(c) In case of an objection, under paragraph (a), the Competent Authority examines it, without delay and may, in its judgment, decide to hear the person filing the objection or to give him the opportunity to support the grounds of his objection in writing.

(d) The Competent Authority, within a 3 day time period from the filing of the objection, issues and transmits its decision in writing to the person filing the objection by virtue of which-

(i) it accepts, in full or in part, or rejects the objection, and

(ii) as the case may be, annuls or amends or upholds or replaces the challenged instruction.

The decision of the Competent Authority becomes enforceable by transmission to the person filing the objection.

(e) In case the Competent Authority partly adopts or rejects an objection filed before it by virtue of paragraph (a), in its decision on the objection, it lays down with clarity the grounds on which it is based and informs the person filing the objection-

(i) of the right to challenge the decision of the Competent Authority-

(A) with recourse before the Minister in accordance with section 31, and

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

(ii) about the time limits within which the above mentioned rights may be exercised and which are prescribed in section 31 of this Law and in Article 146 of the Constitution, respectively.

(6) The master and the operator of the ship whom an instruction provided for in subsection (1) or an enforceable decision issued by virtue of subsection (5)(e) concerns, has the obligation to comply with such while it is valid and to proceed with all appropriate

actions for lifting the grounds for which the Competent Authority has exercised the power by issuing said instruction, except where the master acts in accordance with the provisions of section 21(3)(b).

(7)(a) In case where the master, to whom the instruction referred to in subsection (1) has been transmitted, alleges to the Competent Authority that he has acted in accordance with subsection (6), the Competent Authority, if it finds it appropriate, ensures the soonest possible, the carrying out of an inspection on board the vessel, in order to confirm that the grounds for which the Competent Authority has exercised the power by issuing the instruction, have been lifted.

(b) The operator of the ship inspected in accordance with paragraph (a) bears the expenses of such inspection.

(8) In case where the Competent Authority is satisfied that the grounds, for which it had executed a power by issuing an instruction provided for in subsection (1), no longer exist, it withdraws such instruction through a written decision which it transmits by hand or telex or fax or e-mail to the master of the ship concerned.

(9) A person who refuses or fails to comply with an obligation imposed by subsection (6) commits a criminal offence punishable by imprisonment not exceeding twelve months or a fine not exceeding eight thousand five hundred and forty three euro (€8.543)<sup>14</sup> or by both such sentences.

(10) The criminal offence provided for in subsection (9) is committed by any person who knowingly, cooperates or assists in the commission of such offence.

(11) A person who -

(a) files an objection, under subsection (5)(a), which contains insufficient, inaccurate or misleading information, or

(b) submits information, under subsection (5)(c) which is insufficient, inaccurate or misleading,

commits a criminal offence and is liable-

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<sup>14</sup> Consolidation Note : See footnote 5 above.

(aa) in case of first offence, to imprisonment not exceeding six months or fine not exceeding three thousand four hundred and seventeen euro (€3.417)<sup>15</sup> or to both such sentences;

(bb) in case of subsequent offence, imprisonment not exceeding twelve months or fine not exceeding six thousand eight hundred and thirty four euro (€6.834)<sup>16</sup> or to both such sentences.

(12) In case of a criminal prosecution for an offence under subsections (9) or (10), regarding an instruction for prohibition of sailing or entry as provided for in section 21(1)(a)(ii), it shall be a defence for the accused if he proves that the master, to whom the instruction was transmitted, acted in accordance with section 21(3)(b).

(13) In case of a criminal prosecution for an offence under subsection (11), regarding submission of false, inaccurate or misleading information or data, it shall be a defence for the accused if he proves that the information or data were submitted in good faith and without knowledge that the information or facts submitted were false, inaccurate or misleading.

*Undue delay  
of a ship.*

**29.** —(1) In exercising a power and performing a duty—

(a) by a surveyor under section 27,

(b) by the Competent Authority as provided in section 28,

each of the above exercise every possible effort in order not to cause an undue prohibition of sailing or delay of a ship.

(2) (a) In case of an undue prohibition of sailing or delay of a ship, the operator of the ship affected is entitled to compensation under Article 172 of the Constitution for any losses or damages incurred.

(b) In case of an allegation of an undue prohibition of sailing or delay of a ship, the burden of proof lies with the operator of the ship who puts forth the allegation.

*Administrative fine.*

**30.** —(1)(a) Subject to paragraph (b), in case where the Competent Authority has reasonable grounds to believe, based on the outcome of a survey carried out by virtue of section 27, that the operator of a Cyprus ship or the master of such ship does not fulfil

<sup>15</sup> Consolidation Note : See footnote 5 above.

<sup>16</sup> Consolidation Note : See footnote 5 above.

any of his obligations under Part II, III or IV or under 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 and forty three euro (€8.543),<sup>17</sup> depending on the seriousness of the contravention and irrespective of whether or not there is a concurrent case of a criminal or disciplinary liability by virtue of this Law, or any other law or regulations.

(b) Prior to imposing an administrative fine under subsection (1), the Competent Authority notifies the offender of the grounds for which it intends to impose the administrative fine, providing him the right to submit an objection within a peremptory time limit of 30 days.

(2) The Competent Authority imposes an administrative fine by virtue of subsection (1) by a written and reasoned decision—

(a) which lays down the contravention and  
(b) by which the offender is informed—

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

(A) before the Minister in accordance with the provisions of section 31 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, as prescribed in section 31 of this Law and Article 146 of the Constitution, respectively and

(c) which notifies to the offender and

(d) which is rendered enforceable upon communication.

(3) The Minister has a power to prescribe through his instructions the criteria for calculating the height of the administrative fine imposed under subsection (1), without restricting the discretion of the Competent Authority, which is exercised within the limits of the instructions of the Minister, to decide freely on the height of the administrative fine imposed on the basis of the real facts of the case.

*Hierarchical*

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<sup>17</sup> Consolidation Note: See footnote 5 above.

*recourse.*

**31. —(1) (a)** The operator of a ship, his representative in the Republic and the master of such ship, each have the right to file a written and reasoned recourse, within the time limit provided for in paragraph (c), before the Minister on any of the following:

(i) an instruction of the Competent Authority issued in accordance with section 28, which relates to said ship,

(ii) a decision of the Competent Authority regarding an imposition of an administrative fine, by virtue of this Law or regulations issued thereunder, which relates to said ship, or

(iii) a dismissing decision of the Competent Authority on objections submitted in accordance to the provisions of section 28(5), relating to said ship.

(b) A Company has the right to bring a written and reasoned recourse before the Minister within the time-limit provided in paragraph (c), on any of the following:

(i) a decision of the Competent Authority by virtue of section 16(4) or (7)(b), when the decision dismisses or does not accept in whole an application submitted to the Competent Authority by virtue of section 16(1) or (7)(b), respectively,

(ii) a decision of the Competent Authority by virtue of section 16(7)(a) or (8)(a).

(c) The right to bring a recourse provided under paragraphs (a) and (b) is exercised within a time-limit of 30 days from the communication of the instruction or decision on which the recourse is based, in accordance with the provisions of this Law.

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

(3) Where a recourse is brought by virtue of subsection (1), the Minister examines it and is entitled, at his judgment, to hear the person bringing a recourse and give him an opportunity to submit in writing the grounds on which the recourse is based.

(4) The Minister has the power to assign one or more officers of his Ministry to examine matters relating to the aforementioned recourse and expect them to submit the outcome of such examination prior to the issuing of his decision on the recourse.

(5) The Minister, within a time-limit of 10 days from the date of

filing of the recourse, issues his decision on the recourse in writing and forwards it to the person who has filed it, with which decision he—

(a) accepts in whole or in part the recourse, or dismisses the same and,

(b) depending on the case, annuls, amends, upholds or replaces the disputed instruction or decision.

The decision of the Minister on the recourse, is rendered enforceable on its communication to the person who has filed it.

(6) Where the Minister adopts in part or dismisses a recourse submitted by virtue of subsection (1), his judgment on the recourse shall contain sufficiently, explicitly and duly the grounds on which it is based and informs the person filing the recourse of his right to bring a recourse against the decision of the Minister before the Supreme Court and of the time-limit within which a recourse may be brought in accordance with the provisions of Article 146 of the Constitution.

(7) A person who—

(a) files a recourse by virtue of subsection (1), which contains false, inaccurate or misleading facts, or

(b) submits information, under subsection (3) which is false, inaccurate or misleading,

commits a criminal offence and is liable to —

(aa) in case of first offence, a sentence of imprisonment not exceeding six months or fine not exceeding three thousand four hundred and seventeen euro (€3.417)<sup>18</sup> or to both such sentences;

(bb) in case of subsequent offence, a sentence of imprisonment not exceeding twelve months or fine not exceeding six thousand eight hundred and thirty four euro (€6.834)<sup>19</sup> or to both such sentences.

(8) A person who contravenes or fails to comply with an enforceable decision of the Minister by virtue of subsection (5) commits a criminal offence is liable to a sentence of imprisonment

<sup>18</sup> Consolidation Note: See footnote 5 above.

<sup>19</sup> Consolidation Note: See footnote 5 above.



not exceeding twelve months or to a fine not exceeding eight thousand four hundred and forty three euro(€8.543)<sup>20</sup> or to both such sentences.

(9) In case of a criminal prosecution for an offence under subsection (7) regarding the provision of false, insufficient, inaccurate or misleading information, it shall be a defence for the accused if he proves that the information or data were furnished in good faith and without knowledge that the information or data provided were false, insufficient, inaccurate or misleading.

16 of 98(I)/2010.

(10) This section shall not apply with regard to decisions of the Committee on Places of Refuge-Safety reached under sections 19 and 22A.

*Payment of survey expenses and of administrative fine.*

**32.** —(1) In the event of refusal or failure of—

(a) the operator of the ship, to pay the survey expenses to the Competent Authority, which are borne by him in accordance with sections 19(1)(c) or 28 (7) (b), or

(b) a person on whom an administrative fine was imposed by virtue of this Law or the regulations issued thereunder, to pay such fine to the Competent Authority,

the Competent Authority institutes court proceedings and collects the amount due as a civil debt owed to the Republic.

(2) Any of the following constitute a charge on a ship, which is satisfied in priority over other creditors, but follows in order of priority the last mortgage:

(a) survey expenses which are borne by the operator of the ship, under section 19(1)(c) or 28(7)(b) or

(b) an administrative fine imposed to the operator of the ship, by virtue of this Law or the regulations issued thereunder

(3) In case where—

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<sup>20</sup> Consolidation Note: See footnote 5 above.

(a) an instruction of the Competent Authority has been successfully challenged before it by virtue of section 28(5), or

(b) an instruction or administrative fine issued or imposed respectively by virtue of this Law or the regulations issued thereunder,

have been successfully challenged either before the Minister in accordance with the provisions of section 31 or before the Supreme Court in accordance with the provisions of Article 146 of the Constitution, the following apply:

(aa) subsections (1) and (2)(a) and (b) do not apply—

(i) in relation to any survey expenses which relate to both such instruction, and

(ii) in relation to both such administrative fine

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

## PART VII – MISCELLANEOUS PROVISIONS

*General criminal offences.*

**33.** — (1)(a) A master or operator of a ship, the agent, shipper, owner of the goods and company who acts in contravention to or fails to conform with an obligation imposed by Part II, III or IV, for which Part II, III or IV does not establish any other criminal offence, commits a criminal offence and is liable to a sentence of imprisonment not exceeding twelve months or a fine not exceeding six thousand eight hundred and thirty four euro(€6.834)<sup>21</sup> or to both such sentences.

(b) In case of criminal proceedings for an offence under paragraph (a), it shall be a defence for the accused to prove that—

(i) he had taken all reasonable measures to ensure compliance with the obligation relating to the alleged commission of the criminal offence, or

(ii) he acted within the limits of an allowed, by virtue of this Law, deviation from the obligation relating to the alleged commission of the criminal offence.

<sup>21</sup> Consolidation Note: See footnote 5 above.

(2) A person -

(a) upon whom Part II, III, or IV imposes an obligation for providing or transmitting information, and

(b) who discloses, destroys or alters such information or transmits or provides false, insufficient, inaccurate or misleading information.

commits a criminal offence and is liable to:

(aa) in case of first offence, a sentence of imprisonment not exceeding six months or fine not exceeding three thousand four hundred and seventeen euro (€3.417)<sup>22</sup> or to both such sentences;

(bb) in case of subsequent offence, a sentence of imprisonment not exceeding twelve months or fine not exceeding six thousand eight hundred and thirty four euro(€6.834)<sup>23</sup> or to both such sentences.

(3) In case of a criminal prosecution for an offence under subsection (2) regarding the provision of false, insufficient, inaccurate or misleading information, it shall be a defence for the accused if he proves that the information and data were furnished in good faith and without knowledge that the information and data provided were false, insufficient, inaccurate or misleading.

(4) A person who wilfully obstructs or impedes the Competent Authority, any surveyor or other officer, during the exercise of his powers or performance of his duties, by virtue of this Law or the Regulations issued thereunder, or through any gratuity or bribe, promise or other incentive, inhibits or intends to inhibit any such person from duly exercising his powers or performing his duties, by virtue of this Law or the Regulations made thereunder, commits an offence and is subject to—

(a) a sentence of imprisonment not exceeding six months or a fine not exceeding five thousand one hundred and twenty five euro(€5.125)<sup>24</sup> or to both such sentences.

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<sup>22</sup> Consolidation Note: See footnote 5 above.

<sup>23</sup> Consolidation Note: See footnote 5 above.

<sup>24</sup> Consolidation Note: See footnote 5 above.

(b) in case of a subsequent offence, a sentence of imprisonment not exceeding twelve months or a fine not exceeding six thousand eight hundred and thirty four euro(€6.834)<sup>25</sup> or to both such sentences'

(5) Where a criminal offence is committed, by virtue of this Law or the Regulations made thereunder, by a legal person or by a person acting on behalf of a legal person and it is proved that it had either been committed with the consent or complicity or approval or that it had been facilitated by the negligence of a natural person who, at the time when the criminal offence had been committed, held the position of an executive director, director, secretary or similar position in the legal person or appears to be acting in that capacity, the said natural person is guilty of the same criminal offence and is subject to the sentence provided in respect of this offence.

*Criminal prosecution only with the consent of the Attorney General of the Republic.*

**34.** No criminal proceedings shall be instituted by virtue of this Law or the regulations made thereunder, without the consent of the Attorney General of the Republic.

*Amendment of the Schedules of this Law and of Regulations.*

**35.** The Minister has the power to amend by Order any Schedule of this Law and of the Regulations made thereunder.

*Publication and entry into force of Orders of the Minister.*

**36.** Each order, issued by the Minister by virtue of this Law, is published in the Official Gazette of the Republic, and unless otherwise provided, shall enter into force on the date of its publication in the Official Gazette of the Republic.

*Power to make Regulations.*

**37.** -(1) The Council of Ministers has the power to make regulations published in the Official Gazette of the Republic for the effective operation or implementation of this Law or for prescribing or regulating any matter relating to the traffic monitoring and information system of the ships or other related matter.

(2) Subject to the generality of subsection (1), the regulations made by virtue of this section may establish an offence due to breach or omission to comply with any of their provisions, and may

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<sup>25</sup> Consolidation Note: See footnote 5 above.

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provide for sentences and administrative fines as punishment for the commission of such offences which in any case do not exceed the higher sentence and administrative fine, respectively, provided in this Law. Section 29(b) of the *Interpretation Law* does not apply with respect to the sentences referred to in this subsection.

(3) The regulations made by virtue of this section shall enter into force on the date of their publication in the Official Gazette of the Republic, unless otherwise provided therein.

(4) The issuing of regulations by virtue of this section is not a precondition for the implementation of this Law.

Entry into force  
of this Law.

**38.** -(1) This Law enters into force on the date determined by the Council of Ministers by its decision published in the Official Gazette of the Republic<sup>26</sup>.

(2) The Council of Ministers has the power to determine different dates for the entry into force of several provisions of this Law.

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<sup>26</sup> Consolidation Note: Law 131(I)/2004 entered into force on 15.10.2004 by a Decision of the Council of Ministers (P.I. 743/2004 of 15.10.2004). Amending Law 98(I)/2010 entered into force on 30.11.2010. Amending Law 92(I)/2012 entered into force on 6.07.2012.



**FIRST SCHEDULE <sup>27</sup>**

(sections 6(1),7(2),14(1),15(1)and (2) and 16(6) )

## LIST OF INFORMATION TO BE NOTIFIED

1. *Information to be notified to the Cyprus Ports Authority or to a port authority of a Member State other than the Republic under section 6(1) - General information:*
  - (a) ship identification (name, call sign, IMO identification number or MMSI number);
  - (b) port of destination;
  - (c) estimated time of arrival at the port of destination or pilot station, as required by the Cyprus Ports Authority or ,according the case , by the port authority of a Member State other than the Republic, and estimated time of departure from that port;
  - (d) total number of persons on board.
  
2. *Information relating to the cargo notified by the shipper to the master or the ship operator under section 14(1):*
  - (a)(i) The correct technical names of the dangerous or polluting goods.
  - (ii) The United Nations (UN) numbers where they exist.
  - (iii) The IMO hazard classes in accordance with the IMDG, IBC and IGC Codes .
  - (iv) where appropriate, the class of the ship needed for INF cargoes as defined in Regulation VII/14.2, of the INF Code.
  - (v) the quantities of such goods.
  - (vi) if they are being carried in cargo transport units other than tanks, the identification number thereof.
  - (b) Address from which detailed information on the cargo may be obtained.
  
3. *Information to be notified to the Competent Authority or to the port authority of a Member State other than the Republic under sections 15(1) and (2) and 16(6)(a)(ii):*
  - A. *General information:*
    - (a) ship identification (name, call sign, IMO identification number or MMSI number).
    - (b) port of destination.
    - (c) for a ship leaving a port of the Republic or a port of a Member State other than the Republic, estimated time of departure from the port of departure or pilot station, as required by the Competent Authority or according to the case by the competent or port authority of the other Member State, and estimated time of arrival at the port of destination.
    - (d) for a ship coming from a port of a third country and bound for a port in the Republic or according to the case for a port of another Member State, estimated time of arrival at the port of destination or pilot station, as required by the Competent Authority or according to the case the competent or port authority of the other Member State.

<sup>27</sup> Consolidation Note: *First Schedule* as **currently in force** as a result of Amendment Law 98(I)/2010, reflecting **Annex I** of basic Directive 2002/59/EC as amended by **Directive 2009/17/EC**.

(e) total number of persons on board.

*B. Cargo information:*

- (a)(i) the correct technical names of the dangerous or polluting goods.
- (ii) the United Nations (UN) numbers where they exist.
- (iii) the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes.
- (iv) where appropriate, the class of the ship as defined by the INF Code.
- (v) the quantities of such goods and their location on board.
- (vi) if they are being carried in cargo transport units other than tanks, the identification number thereof.
- (b) Confirmation that a list or manifest or appropriate loading plan giving details of the dangerous or polluting goods carried and of their location on the ship is on board.
- (c) address from which detailed information on the cargo may be obtained.

*4. Information to be notified to IMO under section 7(2):*

- A. ship identification (name, call sign, IMO identification number or MMSI number).
- B. date and time.
- C or D. position in latitude and longitude or true bearing and distance in nautical miles from a clearly identified landmark.
- E. course.
- F. speed.
- I. port destination and estimated time of arrival.
- P. cargo and, if dangerous goods present on board, quantity and IMO class.
- T. address for the communication of cargo information.
- W. total number of persons on board.
- X. Miscellaneous<sup>28</sup>:
- characteristics and estimated quantity of bunker fuel, for ships of more than 1 000 gross tonnage.<sup>29</sup>
- navigational status<sup>30</sup>.

<sup>28</sup> Consolidation Note : Introduced by section 17 of Amendment Law 98(I)/2010.

<sup>29</sup> Consolidation Note : Introduced by section 17 of Amendment Law 98(I)/2010.

<sup>30</sup> Consolidation Note : Introduced by section 17 of Amendment Law 98(I)/2010.



**SECOND SCHEDULE (3 of P.I. 75/2012)** <sup>31</sup>

(Sections 8(1), 8A(1) and 11)

**REQUIRED ON-BOARD EQUIPMENT****PART I. FISHING VESSELS**

Fishing vessels with a length of more than 15 metres overall shall be fitted with an automatic identification system (AIS) as provided for in section 8A of this Law according to the following timetable:

- fishing vessels of overall length 24 metres and upwards but less than 45 metres: not later than 31 May 2012,
- fishing vessels of overall length 18 metres and upwards but less than 24 metres: not later than 31 May 2013,
- fishing vessels of overall length exceeding 15 metres but less than 18 metres: not later than 31 May 2014,
- new-built fishing vessels of overall length exceeding 15 metres are subject to the carrying requirement laid down in section 8A as from 30 November 2010.

**PART II. SHIPS ENGAGED ON INTERNATIONAL VOYAGES**

Passenger ships, irrespective of size, and all ships, other than passenger ships, of 300 gross tonnage and upwards engaged on international voyages, which call at a port of the Republic, or a port of another Member State in the case of Cyprus ships, shall be fitted with an automatic identification system (AIS) in accordance with the technical and performance standards laid down in Chapter V of SOLAS. Passenger ships, irrespective of size, and all ships other than passenger ships, of 3 000 gross tonnage and upwards engaged on international voyages, which call at a port of the Republic, or a port of another Member State in the case of Cyprus ships, shall be fitted with a voyage data recorder (VDR) in accordance with the technical and performance standards laid down in Chapter V of SOLAS. In case of cargo ships constructed before 1 July 2002 the VDR may be a simplified voyage data recorder (S-VDR), which shall comply with the technical and performance standards developed in accordance with Chapter V of SOLAS.

**PART III. SHIPS ENGAGED ON NON-INTERNATIONAL VOYAGES****1. Automatic identification systems (AIS)**

Passenger ships, irrespective of size, and all other ships of 300 gross tonnage and upwards engaged on a non-international voyage shall be fitted with an automatic identification system (AIS) which complies with the technical and performance standards laid down in Chapter V of SOLAS.

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<sup>31</sup> Consolidation Note: *Second Schedule* as **currently in force** as a result of an amendment by the *Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Order of 2012* (Gazette No. 4552, Supplement III (I), dated 2.03.2012, P.I. 75/2012), reflecting **Annex II** of basic Directive 2002/59/EC as amended by **Directive 2011/15/EU**.

## 2. Voyage data recorder (VDR) systems

- (a) Passenger ships, irrespective of size, and ships other than passenger ships, of 3 000 gross tonnage and upwards and constructed on or after 1 July 2002 engaged on a non-international voyage shall be fitted with a voyage data recorder (VDR) which complies with the technical and performance standards developed in accordance with Chapter V of SOLAS.
- (b) Cargo ships of 3 000 gross tonnage and upwards constructed before 1 July 2002 engaged on a non-international voyage shall be fitted with a voyage data recorder (VDR) or with a simplified voyage data recorder (S-VDR) which complies with the technical and performance standards developed in accordance with Chapter V of SOLAS.

## PART IV. EXEMPTIONS

### 1. Exemptions from the requirement to carry AIS on board

- (a) The Competent Authority may exempt passenger ships below 15 metres in length or 300 gross tonnage engaged on non-international voyages from the application of the requirements concerning AIS laid down in this Schedule.
- (b) The Competent Authority may exempt ships, other than passenger ships, of 300 gross tonnage and upwards but less than 500 gross tonnage sailing exclusively within the internal waters of the Republic and outside routes normally used by other ships fitted with AIS, from the carriage requirements for AIS laid down in this Schedule.

### 2. Exemptions from the requirement to carry a VDR or S-VDR on board

The Competent Authority may grant exemptions from the requirement to be fitted with a VDR or an S-VDR as follows:

- (a) Passenger ships only on voyages in sea areas other than those covered by Class A, as referred to in section 5 of the *Merchant Shipping (Safety Rules and Standards for Passenger Ships) Laws 2002-2004*, may be exempted from the requirement to be fitted with a VDR.
- (b) Ships, other than ro-ro passenger ships, constructed before 1 July 2002 may be exempted from the requirement to be fitted with a VDR where it can be demonstrated that interfacing a VDR with the existing equipment on the ship is unreasonable and impracticable.
- (c) Cargo ships constructed before 1 July 2002, engaged on international or non-international voyages, may be exempted from the requirement to be fitted with an S-VDR if such ships are to be taken permanently out of service within two years of the implementation date specified in Chapter V of SOLAS.

**THIRD SCHEDULE** (19 of 98(I)/2010)<sup>32</sup>

[(sections 15(5) and (6), 16(6) and 23A(3)]

## ELECTRONIC MESSAGES AND SAFESEANET

## 1. General concept and architecture

The Community maritime information and exchange system, SafeSeaNet, shall enable the receipt, storage, retrieval and exchange of information for the purpose of maritime safety, port and maritime security, marine environment protection and the efficiency of maritime traffic and maritime transport.

SafeSeaNet is a specialised system established to facilitate the exchange of information in an electronic format between Member States and to provide the Commission with the relevant information in accordance with Community legislation. It is composed of a network of national SafeSeaNet systems in Member States and a SafeSeaNet central system acting as a nodal point.

The SafeSeaNet network shall link all national SafeSeaNet systems and include the SafeSeaNet central system.

## 2. Management, operation, development and maintenance of SafeSeaNet

2.1. *Responsibilities*

## 2.1.1. National SafeSeaNet systems

The Competent Authority establishes and maintains a national SafeSeaNet system allowing for the exchange of maritime information between authorised users under its responsibility.

The Competent Authority is responsible for the management of the national system, which includes the national co-ordination of data users and data providers as well as ensuring that UN LOCODES are designated and that the necessary national IT infrastructure and the procedures described in the interface and functionalities control document referred to in paragraph 2.3 are established and maintained.

The national SafeSeaNet system shall enable the inter-connection of users authorised under the responsibility of the Competent Authority and may be made accessible to identified shipping actors (shipowners, agents, masters, shippers and others) when authorised by the Copmetent Authority, in particular in order to facilitate the electronic submission of reports in accordance with Community legislation.

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<sup>32</sup> Consolidation Note: *Third Schedule* as **currently in force** as a result of Amendment Law 98(I)/2010, reflecting **Annex III** of basic Directive 2002/59/EC as amended by **Directive 2009/17/EC**.

In the near future a new Amended *Third Schedule* shall enter into force on **18 November 2015** by the effect of the *Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Order of 2014* (Gazette No. 4839, Supplement III (I), dated 19.12.2014, P.I. 562/2014) which transposes **Amending Directive 2014/100/EU**.

### 2.1.2. Central SafeSeaNet System

The Commission is responsible for the management and development at policy level of the central SafeSeaNet system and for the oversight of the SafeSeaNet system, in cooperation with Member States, while, in accordance with Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>33</sup>, the Agency, in cooperation with the Competent Authority, the competent authorities of other Member States and the Commission, is responsible for its technical implementation.

The central SafeSeaNet system, acting as a nodal point, shall interconnect all national SafeSeaNet systems and shall establish the necessary IT infrastructure and procedures as described in the interface and functionalities control document referred to in paragraph 2.3.

## 2.2. Principles of management

The Commission shall establish a high-level steering group, which shall adopt its rules of procedure, composed of representatives of the Competent Authority, the competent authorities of other Member States and of the Commission to:

- make recommendations to improve the effectiveness and security of SafeSeaNet,
- provide appropriate guidance for the development of SafeSeaNet,
- assist the Commission in reviewing the performance of SafeSeaNet,
- approve the interface and functionalities control document referred to in paragraph 2.3, and any amendments thereto.

## 2.3 Interface and functionalities control document and SafeSeaNet technical documentation

The Commission shall develop and maintain, in close cooperation with the Member States, an interface and functionalities control document (IFCD).

The IFCD shall describe in detail the performance requirements and procedures applicable to the national and central elements of SafeSeaNet designed to ensure compliance with the relevant Community legislation.

The IFCD shall include rules for:

- access rights guidance for data quality management,
- security specifications for data transmission and exchange, and
- the archiving of information at national and central level.

The IFCD shall indicate the means of storage and the availability of the information on dangerous or polluting goods concerning scheduled services to which an exemption has been granted in accordance with section 16 of this Law.

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<sup>33</sup> OJ L 208, 5.8.2002, p. 1.

Technical documentation related to SafeSeaNet, such as standards for data exchange format, users' manuals and network security specifications, shall be developed and maintained by the Agency in cooperation with the Member States.

### 3. Exchange of data through SafeSeaNet

The system shall use industry standards and be able to interact with public and private systems used to create, provide or receive information within SafeSeaNet.

The Competent Authority cooperates with the Commission and the other Member States in order to examine the feasibility and development of functionalities that as far as possible will ensure that the data providers, including masters, owners, agents, operators, shippers and relevant authorities, need to submit information only once. The Competent Authority ensures that the information submitted is available for use in all relevant reporting, notification and VTMIS systems.

Electronic messages exchanged in accordance with this Law, Directive 2002/59/EC and relevant Community legislation shall be distributed through SafeSeaNet. To this end, the Competent Authority develops and maintains the necessary interfaces for automatic transmission of data by electronic means to the SafeSeaNet.

Where internationally-adopted rules allow routing of LRIT information concerning third country vessels, SafeSeaNet networks shall be used to distribute amongst the Competent Authority and the other Member States, with an appropriate level of security, the LRIT information received in accordance with section 8B of this Law.

### 4. Security and access rights

The central and the national SafeSeaNet systems comply with the requirements of this Law, and of Directive 2002/59/EC concerning confidentiality of information, as well as with the security principles and specifications described in the IFCD, in particular as regards access rights.

The Competent Authority identifies all users to which a role and a set of access rights is attributed in compliance with the IFCD.

FOURTH SCHEDULE ( 4 of P.I. 75/2012) <sup>34</sup>

[sections 19(1)and 22(2) AND 22A(1)]

## MEASURES AVAILABLE TO THE COMMITTEE ON PLACES OF REFUGE-SAFETY

## IN THE EVENT OF A THREAT TO MARITIME SAFETY, SAFETY OF LIFE AND THE PROTECTION OF THE ENVIRONMENT

Where, following an incident or circumstance of the type described in section 18(1) of this Law affecting a ship, the Committee on Places of Refuge-Safety deems, within the framework of international law, that it is necessary to avert, lessen or remove a serious and imminent threat to the coastline or related interests, the safety of other ships and their crews and passengers or of persons on shore or to protect the marine environment, the Committee on Places of Refuge-Safety may, inter alia, proceed with the following actions:

- (a) restrict the movement of the ship or direct it to follow a specific course.
- (b) give official notice to the master of the ship to put an end to the threat to the environment or maritime safety;
- (c) send an evaluation team aboard the ship in accordance with the provisions of section 27 of this Law to assess the degree of risk, help the master to remedy the situation and keep the competent coastal station informed thereof;
- (d) instruct the master to put in at a place of refuge in the event of imminent peril, or cause the ship to be piloted or towed.

2. In the case of a ship which is towed under a towage or salvage agreement, the measures taken by the Committee on Places of Refuge-Safety under paragraphs (a) and (d) may be also addressed to the assistance, salvage and towage companies involved.

3. The Committee on Places of Refuge-Safety exercises any of the powers mentioned in paragraph 1(a), (b) or (d) in accordance with the provisions of section 28 of this Law.

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**DMS Consolidated Version**  
**September 2015**

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<sup>34</sup> Consolidation Note: *Fourth Schedule* as **currently in force** as a result of an amendment by *the Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Order of 2012* (Gazette No. 4552, Supplement III (I), dated 2.03.2012, P.I. 75/2012), reflecting **Annex IV** of basic Directive 2002/59/EC as amended by **Directive 2011/15/EU**.