

THE MERCHANT SHIPPING (IMPLEMENTATION OF EUROPEAN UNION DECISIONS AND REGULATIONS ON CERTAIN MATTERS OF MARITIME TRANSPORT) LAW OF 2023
(Law No 81(I)/2023¹)
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¹ Note: [Law 81\(I\)/2023](#) was published in the Greek language in the Official Gazette of the Republic of Cyprus. This is an “unofficial” translation into English prepared by the Shipping Deputy Ministry (SDM) and does not intend to replace any translation prepared by the Law Commissioner’s Office. According to Article 3 of the Constitution of the Republic of Cyprus, the official languages of the Republic of Cyprus are Greek and Turkish and therefore the present translation into English is **not the authentic version. The authentic and therefore legally binding version, is the Greek version of this Law.**

**LAW PROVIDING FOR THE IMPLEMENTATION OF DECISIONS AND REGULATIONS OF THE
EUROPEAN UNION ON CERTAIN MATTERS OF MARITIME TRANSPORT**

Preamble. For the purposes of more effective implementation of the provisions of the European Union and of the European Community acts regulating maritime transport issues, falling within the definitions of the terms “EU Regulation” and “EU Decision”,

The House of Representatives enacts as follows:

Short title. 1. This Law shall be cited as the Merchant Shipping (Implementation of European Union Decisions and Regulations on certain Matters of Maritime Transport) Law of 2023.

**PART I
INTRODUCTORY PROVISIONS**

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

“authorised officer” means an officer or a person authorised by the Deputy Minister pursuant to section 4(2);

‘Commission’ means the European Commission;

“community ship” means a ship registered and flying the flag of a Member State in accordance with the legislation of that State;

“Competent Authority” means the Deputy Minister of Shipping and any other person authorised by him or her serving at the Deputy Ministry of Shipping;

“Cyprus Port Authority” means the Cyprus Port Authority established pursuant to the provisions of section 4 of the Cyprus Port Authority Law;

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

85(I) of 2015
 160(I) of 2015
 132(I) of 2016
 125(I) of 2021.

“Cyprus ship” means a ship registered in the Register of Cyprus ships or in the Special Book of Parallel Registration and flying the flag of the Republic of Cyprus, pursuant to the provisions of the Merchant Shipping (Registration, Sale and Mortgage of Ships) Law:

45 of 1963
 32 of 1965
 82 of 1968
 62 of 1973
 102 of 1973
 42 of 1979
 25 of 1980
 14 of 1982
 57 of 1986
 64 of 1987
 38(I) of 1992
 28(I) of 1995
 37(I) of 1996
 138(I) of 2003
 169(I) of 2004
 108(I) of 2005
 186(I) of 2020.

Provided that, a ship which is simultaneously registered in the register of Cyprus ships and in a foreign register pursuant to the provisions of sections 23M to 23Q of the Merchant Shipping (Registration of Ships, Sales and Mortgages) Law, may be required as a foreign ship, to comply with the provisions of a specific EU Regulation or EU Decision and under the conditions laid down in that EU Regulation or EU Decision;

“decision of the Deputy Minister” means a decision issued by the Deputy Minister pursuant to the provisions of section 24;

“EU Decision” means a Decision of the European Union as defined in Article 288 of the Treaty on the Functioning of the European Union and a Decision of the European Community as defined in Article 249 of the Treaty establishing the European Community, determined by Order issued pursuant to the provisions of section 23;

Official Journal of
 the EU: C115,
 9.5.2008
 p. 1.

“EU Regulation” means Regulation of the European Union as defined in Article 288 of the Treaty on the Functioning of the European Union and Regulation of the European Community as defined in Article 249 of the Treaty establishing the European Community, determined by order issued pursuant to the provisions of section 23 and containing an act related to an EU Regulation:

Provided that, for the purposes of this definition, «act related to EU Regulation» means Regulation and Decision of the institutions of the European Union issued for the purpose of implementing the provisions of EU Regulations;

“Exclusive Economic Zone (EEZ)” in relation to the Republic means the Exclusive Economic Zone of the Republic, as regulated by the provisions of the 64(I) of 2004 Exclusive Economic Zone and the Continental Shelf Law; 97(I) of 2014.

“flag State” means the State whose flag a ship is entitled to fly in accordance with the legislation of that State;

“foreign ship” means a ship flying the flag of a State other than the Republic of Cyprus in accordance with the legislation of that State;

“IMO” means the International Maritime Organization of the United Nations;

“Member State” means a Member State of the European Union or any other State which is a contracting party to the European Economic Area Agreement, ratified by the Republic of Cyprus, with the Agreement on the Participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the 17(III) of 2004. Slovak Republic in the European Economic Area and the Final Act (Ratification) Law;

“notification” means a notification issued by the Permanent Secretary pursuant to the provisions of section 9;

“operator of a ship” means the owner of the ship or any other person including the manager or the bareboat charterer, who has assumed the responsibility for operating the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and obligations imposed by Chapter IX of the SOLAS Convention;

“Permanent Secretary” means the Permanent Secretary of the Shipping Deputy Ministry and the acting Permanent Secretary of the Shipping Deputy Ministry;

“person” means a natural or legal person and includes a company, a partnership, a municipality, a corporation, a foundation and any other union or association of persons, with or without legal personality;

“port of the Republic” means the area designated as such under the provisions of the Cyprus Port Authority Law;

“premises or other area” means any premises or other area falling within the scope of the provisions of this Law or within the scope of orders issued pursuant to this Law or an EU Regulation, or an EU Decision;

“product-equipment concerned” means a product or equipment relating to a ship, which falls within the scope of the provisions of this Law or

within the scope of orders issued pursuant to this Law or an EU Regulation or an EU Decision;

“Republic” means the Republic of Cyprus;

“required certificate’ means a certificate or other document, including a document of compliance, relating to a ship and with which a ship is equipped, as required by the provisions of EU Regulations and for the issue of which the Competent Authority is competent;

“ship” means a ship falling within the scope of the provisions of this Law, issued pursuant to this Law, order, EU Regulation or EU Decision;

“Shipping Deputy Minister” or “Deputy Minister’ means the Shipping Deputy Minister, appointed and exercising the powers and duties assigned to him or her pursuant to the provisions of the Establishment of a Shipping Deputy Ministry and Appointment of a Shipping Deputy Minister to the President and for Matters Connected Therewith Law;
123(I) of 2017
15(I) of 2023.

“SOLAS Convention” means the International Convention for the Safety of Life at Sea of 1974, as ratified with the International Convention for the Safety of Life at Sea (Ratification) and for Matters Connected Therewith Law, as it stands in its updated version;
77 of 1985
32 of 1989
24(III) of 1997
10 (III) of 2001
52 (III) of 2004
24 (III) of 2006
9(III) 2009
15(III) of 2012.

“territorial sea” in relation to the Republic means the territorial sea of the Republic, pursuant to the provisions of the Territorial Sea Law;
45 of 1964
95(I) of 2014.

(2) Any other terms contained in this Law and not otherwise specifically defined shall have the meaning attributed to them by the relevant EU Decisions and the relevant EU Regulations.

(3) In this Law, a reference to an act of the European Union shall mean such act as amended or replaced from time to time.

Scope of application of this Law. 3. This Law shall apply to:

(a) Cyprus ships;

(b) foreign ships when they call at ports of the Republic or they are within the territorial sea of the Republic, or within the Exclusive Economic Zone (EEZ) of the Republic, to the extent

such ships fall within the scope of EU Decisions and/or EU Regulations:

Provided that, the provisions of this Law and the decisions and acts adopted pursuant thereto shall not apply to EU Regulations and EU Decisions which are not in force.

Competent Authority.

4.-(1) For the purposes of implementation of the provisions of EU Regulations, EU Decisions and this Law and of the provisions of the regulations, decisions and notifications issued pursuant thereto, the Shipping Deputy Minister shall be the Competent Authority, acting through, generally or specifically for that purpose, officers authorised by him or her.

(2) The Deputy Minister may delegate, in writing, to any of the following persons, the exercise of any power and the execution of any duty, which this Law or the regulations, orders and notifications issued thereunder grant or delegate to the Competent Authority respectively:

- (a) The Permanent Secretary;
- (b) officers of the Shipping Deputy Ministry;
- (c) any person authorised to carry out checks or inspections of Cyprus ships on behalf of the Republic;
- (d) any natural or legal person who may be authorised to carry out checks, inspections, findings, studies and reports and/or to issue the required certificate, the performance, submission, or issuance of which is required by the authorities of a Member State under the provisions of an EU Regulation or an EU Decision:

Provided that, in the event of such a delegation, the Deputy Minister retains the power to exercise such delegated power and to execute such delegated duty, as from and during such delegation.

(3) A person to whom the exercise of power or the execution of a duty is delegated by virtue of subsection (2), exercises the power and executes the duty in accordance with the instructions of the Deputy Minister.

(4) The Deputy Minister may amend and revoke a delegation effected by virtue of subsection (2), by a written notice addressed to the person to whom the delegation had been effected.

(5) In case where, by virtue of this section, two (2) or more persons simultaneously exercise the same power or execute the same duty, the hierarchically subordinate of the said persons takes the appropriate measures so that he or she will not exercise the power or will not execute the duty on the same real facts with his or her hierarchically superior, unless the latter will permit so and in accordance with any instructions of the latter.

(6) In case where, a person exercises a power or executes a duty, provided or assigned to that person by virtue of this section, and that power or duty is provided or assigned under the provisions of this Law, the provisions of the regulations, the decisions of the Deputy Minister or notifications issued thereunder, to another person, this Law and the regulations, decisions and notifications issued thereunder, apply as if the said power had been explicitly provided to the person that is exercising the power and the said duty had been explicitly assigned to the person executing it.

PART II
COMPLIANCE OBLIGATIONS VIS-À-VIS THE REPUBLIC ACTING AS FLAG STATE
AND PORT STATE

General obligation to comply.

5.-(1) The master and the operator of the ship shall each comply, with the provisions of this Law, the EU Regulations and the EU Decisions.

(2) The master and the operator of a ship shall each satisfy that the ship has been provided with a valid certificate.

Prohibition to perform voyages.

6.-(1) It shall be prohibited for a Cyprus ship, which does not comply with any mandatory or prohibitive provision of an EU Regulation or EU Decision or is not equipped with a valid required certificate, to perform voyages anywhere on the globe.

(2) It shall be prohibited for a foreign ship to call at or sail from a port of the Republic, in case it does not comply with any mandatory or prohibitive provision of any EU Regulation or EU Decision or is not equipped with a valid required certificate.

Issuing of the required certificates to a Cyprus or Community ship.

7.-(1) Subject to the provisions of sections 8 and 9, in the case of a Cyprus ship, the required certificate shall be issued by the Competent Authority upon request submitted to the Permanent Secretary by the operator of the ship or of the operator's representative in the Republic, provided that the issuing fee is paid to the Secretary, which shall be determined by notification pursuant to the provisions of section 9.

(2) In the case of a Community ship which is not a Cyprus ship, the required certificate shall be issued by the authorities of the Flag Member State whose flag the ship is flying.

(3) The master and the operator of the ship shall keep on board the required certificate.

Issuing of the required certificate to a foreign ship which is not a community ship.

8.-(1) Subject to the provisions of sections 7 and 9 and subsection (2) of this section, the Competent Authority shall issue the required certificate to a foreign ship which is not a Community ship, after having consulted the authorities of the flag State whose flag the ship is flying, or after a request from the said authorities to the Competent Authority and following an application submitted to the Permanent Secretary by:

- (a) the operator of the ship;
- (b) the representative of the operator of the ship in the Republic; or
- (c) the ship's agent:

Provided that, the required certificate may be issued by the authorities of any Member State.

(2) The Competent Authority may issue the required certificate referred to in subsection (1) if:

- (a) the evidence and proof provided meet the conditions for issuing the certificate as if the ship in question was a Cyprus ship;
- (b) the flag State of the ship undertakes a commitment towards the Republic that, in the event of cancellation of the required certificate, to immediately inform the master of the ship and the operator of the ship and require from them the immediate return of the cancelled certificate to the Competent Authority;
- (c) the flag State of the ship undertakes a commitment towards the Republic to immediately inform the Competent Authority in case the ship is going to cease or ceased to fly its flag; and
- (d) the required fee, determined by notification pursuant to section 9, has been paid.

(3) The master of a foreign ship and the operator of a foreign ship, for which a required certificate has been issued, shall keep the required certificate on board.

Powers of the Permanent Secretary

9. The Permanent Secretary shall have the power to specify by means of a notification, which shall be published in the Official Gazette of the Republic-

for issuing notifications concerning the required certificates.

- (a) the procedure and the necessary supporting documents for issuing the required certificate under the provisions of this Law;
- (b) the form and content of the required certificate, taking into account the provisions of the relevant EU Regulation and/or the relevant EU Decision; and
- (c) the fees, for issuing the required certificate and for the provision of any other service, under the provisions of this Law.

Cancellation of the required certificate.

10.-(1)(a) Without prejudice to the rights of third parties who may be affected, the Competent Authority may cancel a required certificate issued by it at any time after its issuing, if it is established that:

- (i) the said certificate was obtained by fraud, misrepresentation or concealment of a material fact; or
- (ii) any issues or circumstances which affect or may affect the required certificate's validity have arisen or are expected to arise during the period of its validity.

(b) The Competent Authority shall determine when the required certificate becomes invalid.

(c) Subject to the provisions of subsection (1) of section 6, in the event of cancellation of a required certificate issued in respect of a Cyprus ship, the Competent Authority shall inform, in writing or electronically, of such cancellation;

- (i) the master and the operator of the ship, while informing the grounds for the cancellation;
- (ii) the State in whose port the ship is or is being directed; and
- (iii) the other Member States, in case it deems it appropriate and taking into account the reasons for the cancellation, accordingly.

(d) Subject to the provisions of subsection (2) of section 6, in the event of cancellation of a required certificate issued to a foreign ship which is not a Community ship under the provisions of section 8, the Competent Authority shall inform in writing or electronically of such cancellation-

- (i) the flag State of the ship in question;

- (ii) the State in whose port the ship is or is being directed; and
- (iii) the other Member States, in case it deems it appropriate and taking into account the reasons for the cancellation, accordingly.

(2) Subject to the provisions of section 6 and irrespective of the date on which the validity indicated therein expires, the required certificate shall automatically cease to be valid from the moment when-

(a) the relevant proof ceases to be valid;

(b) in case the required certificate was issued to a Cyprus ship, that ship ceases to be a Cyprus ship;

(c) in case the required certificate was issued to a foreign ship which is not a Community ship, that ship ceases to fly the flag of the State which consented or requested the Competent Authority to issue the certificate.

(3) A person holding or controlling a required certificate which has been cancelled or has ceased to be valid in accordance with subsections (1) and (2) shall return that certificate to the Competent Authority as soon as such person is informed of this fact:

Provided that, in the event of non-return of a required certificate which has been cancelled or has ceased to be valid, this shall be deemed not to exist from the time when it has been cancelled or has ceased to be valid.

Criminal
offence.

11.-(1) A person who contravenes the provisions of sections 5, 6, subsection (3) of section 7 and/or subsection (3) of section 8 and/or contravenes any mandatory or prohibitive provision of any EU Regulation or EU Decision, commits a criminal offence and, if found guilty, is liable to a sentence of imprisonment not exceeding two (2) years or a fine not exceeding ten thousand euro (€10.000) or both such sentences.

(2)(a) A person who—

(i) provides the Competent Authority with false, incomplete, inaccurate or misleading information concerning the existence of a required certificate in order to comply with the provisions of section 5; or

(ii) presents to the Competent Authority false, incomplete, inaccurate or misleading information for the purpose of issuing a required certificate;

commits the criminal offence provide for in subsection (1).

(b) In the event of a criminal prosecution for the offence referred to in subsection (1), under the provisions of paragraph (a) of this subsection, it shall constitute a defence for the accused person, if such person proves that he or she provided the information and/or evidence in good faith and without knowing that the information and/or the evidence provided was false, incomplete, inaccurate or misleading.

Control of compliance of Cyprus ships. 12.-(1) The Competent Authority shall, on a case-by-case basis, check and verify the compliance of Cyprus ships with the provisions of this Law and/or EU Regulations and EU Decisions, irrespective of where they are on the globe:

Provided that, the Competent Authority shall check and verify the above-mentioned compliance of Cyprus ships when such control and verification is imposed on the authorities of a Member State, pursuant to the provisions of an EU Regulation or an EU Decision.

(2) Without prejudice to any additional powers granted to the Competent Authority under the provisions of this Law or any other legislation, in case the Competent Authority;

- (a) ascertains that no required certificate is kept on board a Cyprus ship;
- (b) ascertains that the required certificate kept on board of a Cyprus ship does not comply with the provisions of this Law, EU Regulations or EU Decisions;
- (c) ascertains that the proof provided for issuing the required certificate does not meet the requirements of this Law or the EU Regulations or the EU Decisions;
- (d) is informed by the authorities of another Member State, that a required certificate that meets the requirements of this Law or EU Regulations or EU Decisions is not kept on board a Cyprus ship, and/or that, according to another Member State, the proof to issue the required certificate does not comply with the relevant provisions;
or
- (e) ascertains or receives information from the authorities of another Member State that a Cyprus ship is not complying with any mandatory or prohibitive provision of an EU Regulation or EU Decision;

may, for the purpose of compliance of the Cyprus ship —

- (aa) prohibit the performance of voyages by it;

- (bb) order the ship to be moved to a specific point and to remain at that point;
- (cc) take any other measures and/or take any other action it deems appropriate and/or necessary under the circumstances.

Control of compliance of foreign ships. 13.-(1) The Competent Authority shall, on a case-by-case basis, check and/or verify the compliance of a foreign ship with the provisions of this Law and/or EU Regulations and EU Decisions.

(2) Where the Competent Authority-

- (a)ascertains that no required certificate is kept on board a foreign ship;
- (b)ascertains that the required certificate kept on board a foreign ship does not comply with the provisions of this Law and/or EU Regulations or EU Decisions;
- (c)ascertains that the proof provided for the purpose of issuing the required certificate does not meet the requirements of this Law or EU Regulations or EU Decisions;
- (d)is informed by the authorities of another Member State that a required certificate that complies with the provisions of this Law or EU Regulations or EU Decisions is not kept on board a foreign ship, and/or that, according to another Member State, the proof to issue the required certificate does not comply with the relevant provisions; or
- (e)ascertains or receives information from the authorities of another Member State that a foreign ship does not comply with any mandatory or prohibitive provision of an EU Regulation or EU Decision;

may, for the purpose of compliance by the foreign ship-

- (aa) prohibit the ship from calling at a port of the Republic;
- (bb) expel the ship from a port of the Republic;
- (cc) prohibit the sailing/ departure of the ship from a port of the Republic;

- (dd) order the ship, following consultation with the Cyprus Ports Authority, to move to a specific point within a port of the Republic and remain there;
- (ee) take any other measures and/or any other action it deems appropriate and/or necessary in the circumstances.

PART III
STATE PROCEDURES FOR CONTROLLING COMPLIANCE AND TAKING
APPROPRIATE MEASURES

Powers of surveyors. 14.-(1)(a) The powers delegated by this section, in respect of the inspection of a ship, shall be conferred on:

- (i) a surveyor of ships appointed by the Council of Ministers pursuant to paragraph (a) of subsection (2) of section 3 of the Merchant Shipping (Registration of Ships, Sales and Mortgages) Law; and
- (ii) an inspector of ships appointed by the Council of Ministers pursuant to paragraph (b) of subsection (2) of section 3 of the Merchant Shipping (Registration of Ships, Sales and Mortgages) Law.

(b) For the purposes of paragraph (a) of this subsection, subsection (2) of section 3 of the Merchant Shipping (Registration of Ships, Sales and Mortgages) Law shall apply as if the phrase ‘for the purposes of this Law and the Code’ contained in each of the paragraphs (a) and (b) of that section, was replaced by the phrase “for the purposes of this Law, the Code and the Merchant Shipping (Implementation of Decisions and Regulations of the European Union on certain Matters of Maritime Transport) Law”.

(2) A surveyor shall have the power, within a reasonable time and for the purpose of verifying the fulfilment of any obligation arising either from the provisions of Part II, Part III or Part IV of this Law or from the provisions of Regulations or Orders issued pursuant to these provisions to-

- (a) enter, inspect, investigate and carry out an inspection in any premises or other area, excluding a residence, in which it has reasonable cause to believe that any of the following is located:
 - (i) Company;
 - (ii) the operator of the ship;
 - (iii) agent;
 - (iv) shipper;
 - (v) owner of polluting or dangerous goods;

(b) stop, enter, inspect and check any ship, whether at port or at sea, and provide the master with any assistance he or she deems necessary;

(c) check any data recorded in a mechanical, electrical or electronic data system and any books and documents in paper or digital form, which are located either in premises or other place or on board a ship, to which he or she is authorised to enter pursuant to the provisions of paragraphs (a) and (b) and which has reasonable cause to believe that they contain information or registration in relation to any obligation arising from the provisions referred to in this subsection, to copy and photocopy them, and to take copies, photocopies and extracts thereof:

Provided that, in order to receive extracts pursuant to the provisions of this paragraph, the surveyor must have reasonable grounds to believe that such extracts may be needed for evidence purposes in criminal proceedings concerning any infringement or failure to comply with the provisions of this Law, with the provisions of Regulations issued pursuant thereto or the decisions of the Deputy Minister;

(d) Enter, either a premises or other area, excluding residence, or a ship;

(i) accompanied by any other person whose presence he or she deems necessary for any purpose for which he or she exercises authority under the provisions of this subsection or subsection (3); and

(ii) carrying with him or her any equipment or material which he or she deems necessary for any purpose for which he or she exercises authority under the provisions of this subsection; and

(e) require and receive the facilitation, information and declaration referred to in subsection (3).

(3) The operator of the ship, the master of the ship, the company, the agent, the shipper and the owner of polluting or dangerous goods shall each provide the surveyor, if reasonably required, with any facility and information, as well as a signed statement of the veracity of the information provided to the inspector.

Official Gazette of the
Republic,
Annex
Third (I):
14.7.2000.

(4) A surveyor shall present, on request, before and during the exercise of any of the powers delegated to him or her under the provisions of subsection (2), his or her identity card issued by the Deputy Minister in accordance with the Merchant Shipping (Identity Cards of Surveyors and Inspectors of Ships) Regulations.

(5) A person who-

(a) is subject to the obligation laid down in subsection (3) and refuses or fails to provide a surveyor with such facility or information; or

(b) conceals, destroys or falsifies information, statements, data, book or document in paper or digital form, or provides a surveyor with false, incomplete, inaccurate or misleading information, statement, data, book or document, in paper or digital form, or refuses or fails to provide a surveyor with information, statement, data, book or document in paper or digital form, any information, statement, data, book or document;

commits a criminal offence and, if convicted, is subject to the following penalties:

(aa) in the case of a first offence, a sentence of imprisonment not exceeding six (6) months or a fine not exceeding three thousand five hundred euro (€3.500) or both such sentences; and

(bb) in the case of a subsequent offence, a sentence of imprisonment not exceeding twelve (12) months or a fine not exceeding seven thousand euro (€7.000) or both such sentences.

(6) In case of a criminal prosecution for an offence referred to in subsection (5)-

(a) in respect of refusal or failure to comply with an obligation imposed under the provisions of subsection (3), it shall constitute a defence for the accused person if such person proves that he or she had reasonable cause for such refusal or omission; and

(B) in respect of the provision of false, incomplete, inaccurate or misleading information, statement, data, book or document in paper or digital form, it shall constitute a defence for the accused person if such person proves that he or she provided the information, statement, data, book or document in good faith and

without knowing that the information, statement, data, book or document provided was false, incomplete, inaccurate or misleading.

(7) Inspection data carried out pursuant to the provisions of this section shall be communicated when required to any other competent authorities of the Republic involved for their own actions deriving from the EU Regulations and/or EU Decisions.

Administrative decisions and compliance with such.

15.-(1) A decision of the Competent Authority made pursuant to the provisions of sections 12 or 13 shall be enforceable by transmission by hand or by fax or by e-mail or telex to the master and/or operator of the ship concerned, and shall be valid until:

- (a) withdrawn by the Competent Authority as referred to in subsection (3);
- (b) annulled, amended or replaced in the context of a recourse before the Deputy Minister in accordance with section 18; or
- (c) is annulled by the Administrative Court in accordance with Article 146 of the Constitution.

(2) In each decision made pursuant to sections 12 or 13, the Competent Authority shall-

- (a) set out the grounds for the decision; and
- (b) inform the person to whom the decision is transmitted of the right of the affected person or his or her representative in the Republic to challenge the decision by a hierarchical recourse in accordance with section 18 or by a recourse to the Administrative Court in accordance with Article 146 of the Constitution.

(3) Where the Competent Authority is satisfied that the grounds for adopting a decision pursuant to sections 12 or 13 have been eliminated, and if a fee provided for in section 8 has been paid to the Permanent Secretary and any other administrative fine imposed pursuant to this Law, it shall revoke the decision in writing and transmit that decision by hand or by fax or e-mail or telex to the master and/or the person concerned.

(4) A person who refuses and/or fails to comply with an obligation imposed on such person by a decision of the Competent Authority made pursuant to the provisions of sections 12 or 13, commits a criminal offence and, if convicted, shall be subject to a sentence of imprisonment not exceeding two (2) years or a fine not exceeding ten thousand euro (€10.000) or both the sentences.

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(5) A person who is a principal offender, an accessory or counselor, in accordance with sections 20 to 23 of the Criminal Code concerning the commission of the criminal offence referred to in subsection (4), commits the same criminal offence and is subject to the sentences set out in said subsection.

3 of 1962
 43 of 1963
 41 of 1964
 69 of 1964
 70 of 1965
 5 of 1967
 58 of 1967
 44 of 1972
 92 of 1972
 29 of 1973
 59 of 1974
 3 of 1975
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 125(l) of 2013
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 87(l) 2015
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 112(l) 2015
 113(l) 2015
 31(l) 2016
 43(l) 2016
 31(l) of 2017
 72(l) of 2017
 23(l) of 2018
 24(l) of 2018
 108(l) of 2018
 134(l) of 2020
 150(l) of 2020
 27(l) 2021
 45(l) 2021
 190(l) of 2021.

Undue prohibition of sailing or delay of a ship. 16.-(1) In the exercise of a power and the performance of a duty by a surveyor pursuant to section 14 or by the Competent Authority, pursuant to the provisions of sections 12 and 13, each of the aforementioned makes every possible effort to avoid the undue prohibition of sailing or delay of a ship.

(2)(a) In the event of an undue prohibition of sailing or delay of a ship, the operator of the ship thus affected shall be entitled to compensation under the provisions of Article 172 of the Constitution for any loss or damage suffered.

(b) Where a claim is made for an undue prohibition of sailing or delay of a ship, the burden of proof shall lie with the operator of the ship, who makes such claim.

Administrative fine. 17.-(1) Where the Competent Authority finds that a person by an act or omission, in relation to a ship;

(a) contravenes the provisions of sections 5, 6, 7,10 and 14 of this Law, or the provisions of a Public Instrument adopted pursuant to it or a decision of the Competent Authority; or

- (b) contravenes the provisions of EU Regulations and EU Decisions laid down by order issued pursuant to the provisions of section 23;

the Competent Authority has the power to impose on such person an administrative fine not exceeding fifty thousand euro (€50.000), depending on the seriousness of the contravention, and irrespective of whether or not there is a concurrent case of a criminal liability by virtue of this Law, or any other law or the provisions of a Public Instrument.

- (2) (a) Prior to imposing an administrative fine, the Competent Authority shall, by means of paper or electronic form, notify the affected person of its intention to impose the administrative fine, informing such person of the grounds for which it intends to impose the administrative fine and providing that person the right to submit his or her position within five (5) working days from the date of such notification.

- (b) In respect of a ship which is in a port of the Republic or in respect of a Cyprus ship which has been subject to a prohibition to perform voyages, the Competent Authority may—

- (i) reduce the time limit for submission of an objection to a period not less than twenty-four (24) hours from the transmission of the notice, provided that the reduction of the time limit is justified by the real facts of the case and the time of the notice and is justified in the notice; and

- (ii) impose an administrative fine also on non-working days.

(3)(a) The Competent Authority shall impose an administrative fine pursuant to the provisions of subsection (1) by a written and reasoned decision, which it transmits to the affected person, in paper or electronic form, and by which it-

- (i) determines the contravention and

(ii) informs the person concerned on his or her right to challenge the decision by a recourse before the Deputy Minister, in accordance with section 18 and/or by a recourse to the Administrative Court, in accordance with Article 146 of the Constitution as well as the time limits within which the aforementioned rights may be exercised.

(b) The decision of the Competent Authority referred to in paragraph (a) becomes enforceable upon transmission to the person concerned.

(4) The Deputy Minister has a power to prescribe through his or her instructions the indicative criteria for calculating the level of the administrative fine imposed under subsection (1), without restricting the discretionary power of the Competent Authority to decide freely on the height of the administrative fine imposed on the basis of the real facts of the case:

Provided that, the failure to lay down indicative criteria does not affect the power of imposing an administrative fine, provided that the fine is imposed by the Deputy Minister or the amount of the fine imposed is approved by the Deputy Minister.

(5) An affected person or his or her representative in the Republic has the right to challenge the decision of the Competent Authority to impose an administrative fine, issued pursuant to the provisions of this section, by means of a hierarchical recourse before the Deputy Minister in accordance with section 18.

(6)(a) Where a person on whom an administrative fine has been imposed pursuant to the provisions of this section refuses and/or fails to pay to the Competent Authority such fine, the Competent Authority institutes court proceedings and collects the amount due as civil debt owed to the Republic.

(b) The departure of a ship, in respect of which an administrative fine has been imposed pursuant to the provisions of this section, is prohibited and shall be lifted only when the full amount has been paid or an adequate guarantee has been provided to cover the costs-

Provided that, the guarantee to cover costs may be effected by lodging a bank guarantee or other form of security accepted by the Competent Authority of an equal amount from a recognised financial institution and under conditions satisfactory to the Competent Authority.

(7) An administrative fine imposed under the provisions of this section, shall constitute a charge on a ship, which is satisfied in priority over other creditors, but follows the last mortgage.

(8) Where an administrative fine imposed pursuant to the provisions of this section has been successfully challenged either before the Deputy Minister in accordance with this section or before the Administrative Court, in accordance with Article 146 of the Constitution-

- (a) the court measures are withdrawn and the prohibition of departure provided for in subsection (6) and the charge provided for in subsection (7) are lifted; and
- (b) The Competent Authority returns any sum of the aforementioned administrative fine paid, to the person who has paid such fine.

Hierarchical
recourse
before the Deputy Minister.

18.-(1)(a) The person affected or such person's representative in the Republic has the right to challenge by hierarchical recourse before the Deputy Minister a decision of the Competent Authority issued pursuant to the provisions of this Law which provides for any of the following:

- (i) Cancellation of the required certificate as referred to in subsection (1) of section 10;
- (ii) prohibition of a ship calling at a port of the Republic;
- (iii) expulsion of a ship from a port of the Republic;
- (iv) prohibition of sailing/ departure of a ship from a port of the Republic;
- (v) prohibition on a Cyprus ship to perform voyages;
- (vi) an order to a ship to move to a specified area and remain there;
- (vii) measures taken and/or actions taken by the Competent Authority pursuant to the provisions of paragraph (cc) of subsection (2) of section 12 or paragraph (ee) of subsection (2) of section 13; and
- (viii) imposition of an administrative fine pursuant to section 17.

- (b) A recourse before the Deputy Minister shall be submitted in writing within a preemptory time-limit of fifteen (15) days from the date of service by hand or by paper or electronic form of the notification of the contested decision to the affected person or such person's representative in the Republic.

(2) The hierarchical recourse, provided for in subsection (1), shall not stay the execution of the decision.

(3) The Deputy Minister shall examine the recourse and shall, after having heard the interested parties or having given them the opportunity to express their views in writing, issue a decision on it within not later than ten (10) days to-

(a) confirm the challenged decision;

(b) declare the challenged decision null and void;

(c) amend the challenged decision;

(d) issue a new decision in substitution of the challenged decision.

(4) The Deputy Minister shall notify the decision issued pursuant to the provisions of subsection (3) by hand or by paper or by electronic form to the applicant, as well as to the affected person or such person's representative in the Republic.

(5) In the case where, the challenged decision under the provisions of subsection (1) above was issued by the Deputy Minister acting as the Competent Authority, the provisions of subsections (1), (2), (3) and (4) shall apply, *mutatis mutandis*, as if it was an objection before the Deputy Minister.

PART IV MISCELLANEOUS PROVISIONS

Issuing of orders in respect of the implementation of obligation or discretionary power arising from an EU Regulation or an EU Decision.

19.-(1) The Council of Ministers has the power to issue an order to implement an obligation or discretionary power imposed on the Republic by an EU Regulation or an EU Decision, for matters other than those regulated from the provisions of this Law or for matters other than those related to the establishment of a legal person, in case the Council of Ministers considers that the nature of such an obligation or discretionary power requires the adoption of a legal provision.

(2) The following shall constitute a non-exhaustive list of matters in respect of which the Council of Ministers has the power to issue an order under the provisions of subsection (1):

(a) Imposition of an obligation and;

(B) suspension or temporary restriction of a provision of an act of the European Union and/or of the European Community.

(3) A person who by an act or omission, contravenes an order issued pursuant to the provisions of this section, commits a criminal offence and, if convicted, is liable to a sentence of imprisonment not exceeding three (3) months or to a fine not exceeding two thousand euro (€2.000) or to both such sentences.

Offences
and penalties.

20. A person who, in person or through his or her employee or other representative, by such person's act or omission, contravenes the prohibitive or mandatory provisions of Regulations adopted pursuant to the provisions of section 22, commits an offence and, if convicted, shall be liable to a sentence of imprisonment not exceeding four (4) years or to a fine not exceeding fifty thousand euro (€50.000) or to both such sentences.

Liability of officers,
employees, legal persons.

21. Where an offence provided for by this Law is committed by a legal person or by a person acting on behalf of a legal person and is proven that it has been committed with the consent, complicity or approval of, or facilitated by, the negligence of an advisor, director, secretary or any other natural person who appears to be acting in such a capacity, that natural person shall also be guilty of the aforementioned offence.

Making of
Regulations.

22.-(1) The Council of Ministers has the power to make Regulations for the better implementation of the provisions of EU Regulations and EU Decisions or for regulating any matter which may require to be regulated pursuant to the provisions of this Law.

(2) Regulations made pursuant to the provisions of this section may establish criminal offences and provide for sentences of imprisonment not exceeding four (4) years, a fine not exceeding fifty thousand euro (€50,000) or both such sentences.

Power to issue Orders.

23. The Minister for Transport, Communications and Works shall have the power to issue orders to determine:

(a) the EU Regulations and EU Decisions falling within the scope of this Law; and

(b) the provisions of the EU Regulations and EU Decisions referred to in paragraph (a), the contravention of which entails the imposition of an administrative fine as provided for in section 17.

Power of the Deputy Minister to issue decisions.

24. Following consultation with any other competent authorities of the Republic involved, the Deputy Minister shall have the power to issue decisions published in the Official Gazette of the Republic regulating matters of a technical nature, in order to better implement the provisions of EU Regulations or EU Decisions.

Transitional provision.

25. The required certificates issued to Cyprus or foreign ships with instructions from the Minister under the provisions of an EU Regulation or an EU Decision before the date of entry into force of this Law, shall be considered as required certificates issued under the provisions of this Law until the date of their replacement with certificates issued under the provisions of this Law or their expiry date, whichever of the two dates occurs earlier.

SDM 15.09.2023