

**THE MERCHANT SHIPPING
(RECOGNITION AND AUTHORISATION OF ORGANISATIONS) LAW OF 2011**

(LAW 128(I)/2011) ¹

A LAW REGULATING COMMON RULES AND STANDARDS OF
ORGANISATIONS INSPECTING AND SURVEYING CYPRUS FLAGGED
SHIPS, THE RELEVANT ACTIVITIES OF THE MARITIME
ADMINISTRATION OF THE REPUBLIC OF CYPRUS, AND OTHER
RELATED MATTERS

ARRANGEMENT OF SECTIONS ²

Section

1. Short title.
2. Interpretation.
3. Competent Authority.
4. Survey and certification of Cyprus ships by authorised persons.
5. Authorisation of recognised organisations.
6. Conclusion of agreement - Model of agreement.
7. Withdrawal or suspension of authorisation of recognised organisations.
8. Monitoring of recognised organisations.
9. Obligation of the Competent Authority as a port State control competent authority.
10. Compliance of Cyprus ships with the requirements of a recognised organisation.

¹ Editorial Note: *This Law was published in the Greek language in the Official Gazette of the Republic of Cyprus No. 4296, Supplement I(I), dated 7.10.2011. This is an “unofficial” translation into English prepared by the Shipping Deputy Ministry to the President (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.***

Disclaimer: This translated document is intended for use as a documentation tool and the Shipping Deputy Ministry to the President of the Republic of Cyprus does not assume any liability for its content.

² Editorial Note: The present Arrangement of Sections is not forming part of the Law-Statute. It is added by the SDM to assist the reader.

11. Director`s obligations.
12. Administrative fine.
13. Making of Regulations.
14. Issue of orders and notifications.
15. Repeal of Laws and saving of certain acts done thereunder.
16. Transitory provision for relevant certificates of Cyprus ships.

*Official
Journal of the
European
Union:
L131/47
28.05.2009.*

For the purposes of harmonisation with the Community Act titled “Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations”,

The House of Representatives enacts as follows:

*Short
title.*

1. This Law shall be cited as the Merchant Shipping (Recognition and Authorisation of Organisations) Law of 2011.

Interpretation.

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

“authorisation” means an act whereby the Republic grants an authorisation or delegates powers to a recognised organisation to act on its behalf;

“cargo ship” means a ship which is not a passenger ship;

“cargo ship safety radio certificate” means the certificate introduced by the amended Radio Regulations of the International Convention for the Safety of Life at Sea (SOLAS 74/78), adopted by the IMO;

“certificate” means a certificate issued by or on behalf of the Republic, in accordance with the International Conventions;;

“class certificate” means a document issued by a recognised organisation certifying the fitness of a ship for a particular use or service in accordance with the rules and procedures , laid down and made public by that recognised organisation;

“Commission” means the Commission of the European Union;

“Cyprus ship” means a ship that –

45 of 1963
32 of 1965
82 of 1968
62 of 1973
102 of 1973
45 of 1974
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.

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

(b) falls within the scope of application of the International Conventions;

“Director” means the Director of the Department of Merchant Shipping;³

*Official Journal
of EU:L131,
28.05.2009,
p. 47.*

“Directive 2009/15/EC” means the Community Act referred to as “Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations” ;

“European Economic Area Agreement” means the Agreement on the European Economic Area signed in Oporto on the 2nd May 1992, as amended from time to time;

“inspections and surveys” means inspections and surveys, respectively, made mandatory for the Cyprus ships or for the operators of Cyprus ships under the International Conventions;

³ Editorial Note: As of 1st March 2018 by the effect of the provisions of section 4(2)(e) of *the Establishment of a Shipping Deputy Ministry to the President and Appointment of a Shipping Deputy Minister to the President and for Matters Connected Therewith Law of 2017 (Law 123(I)/2017)* this reference to the “Director of the Department of Merchant Shipping ” is now construed as a reference to the “Permanent Secretary of the Shipping Deputy Ministry to the President”.

“International Conventions” means the updated version of –

- (a) the International Conventions and the Protocols thereof, adopted by the International Maritime Organization, the International Labour Organization and /or the International Telecommunication Union, and,
- (b) the relevant Codes, Standards, Decisions, Recommendations or Instructions-Directives thereof,

prescribed by an Order of the Minister;⁴

“Minister” means the Minister of Transport, Communications and Works;⁵

“Member State” means a Member State of the European Union, including Cyprus, or any other state which is a contracting party to the European Economic Area Agreement;

“notification” means a notification of the Director published in the Official Gazette of the Republic;

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

“order” means an order of the Minister which is published in the Official Gazette of the Republic;

“organisation” means a legal entity, its subsidiaries and any other entities under its control, which jointly or separately carry out tasks falling under the scope of this Law; for the purpose of this definition “control” means the rights, contracts or any other means, in law or in fact, which, either separately or in combination confer the possibility of exercising decisive influence on a legal entity or enable that entity to carry out tasks falling under the scope of

⁴ Editorial Note: The relevant Ministerial Order currently in force is the *Merchant Shipping (Recognition and Authorisation of Organisations) (Setting of International Conventions) Order of 2015* (Gazette No. 4915, Supplement III(I), dated 31.12.2015, **P.I. 473/2015**).

⁵ Editorial Note: See the *Renaming of the Ministry of Communications and Works Law of 2015* (Law 43(I) /2015); As of 1st March 2018 by the effect of the provisions of section 4(2)(b) of the *Establishment of a Shipping Deputy Ministry to the President and Appointment of a Shipping Deputy Minister to the President and for Matters Connected Therewith Law of 2017* (Law 123(I)/2017) this reference to the “Minister of Transport, Communications and Works” is now construed as a reference to the “Shipping Deputy Minister to the President”.

this Law;

“owner (shipowner)” means the natural or legal person who owns a ship or a share therein;

“passenger ship” means a ship which carries more than twelve passengers;

“recognised organisation” means an organisation recognised in accordance with Regulation (EC) No. 391/2009;

*Official Journal
of EU:L 131,
28.05.2009,
p. 11.*

“Regulation (EC) No. 391/2009” means the Community Act referred to as “Regulation (EC) No. 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations”;

“Republic” means the Republic of Cyprus;

“rules and procedures” means a recognised organisation’s requirements for the design, construction, equipment, maintenance and survey of ships;

“ship” means a ship which falls within the scope of application of the International Conventions;

“ship flying the flag of a Member State” means a ship registered in and flying the flag of a Member State in accordance with its legislation; any ship not falling within the present definition is considered as a ship flying the flag of a third country;

*77 of 1985
32 of 1989
24(III) of 1997
10 (III) of 2001
53(III) of 2004
24 (III) of 2006
9(III) of 2009.*

“SOLAS Convention” means the International Convention of the Safety of Life at Sea of 1974 (SOLAS), ratified pursuant to *the International Convention for the Safety of Life at Sea (Ratification) and Relevant Matters Laws of 1985 to 2009*, including the Protocols and amendments thereof as it stands in its up-to date version;

“surveyor” means a person who is serving at the Department of Merchant Shipping ⁶ of the Ministry of Communications and Works of the Republic and is appointed by the Council of Ministers as a surveyor of ships (marine surveyor) by virtue of section 3 (2) (a) of *the Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2005*;

⁶ Editorial Note: As of 1st March 2018 by the effect of the provisions of section 4(2)(d) of *the Establishment of a Shipping Deputy Ministry to the President and Appointment of a Shipping Deputy Minister to the President and for Matters Connected Therewith Law of 2017 (Law 123(I)/2017)* this reference to the “ Department of Merchant Shipping ” is now construed as a reference to the “ Shipping Deputy Ministry to the President”.

(2) In this Law and other secondary legislation issued pursuant to this Law, any reference to any other act of European Community and/or the European Union means the said act, as amended or replaced from time to time.

Competent Authority.

3.-(1) The Competent Authority for the implementation of the provisions of this Law and of the relevant Regulations made there under, shall be the Minister ⁷, operating through public servants authorised by himself generally or specifically for such purpose.

(2) The Competent Authority shall have power to issue instructions for the adoption of measures to be followed by recognised organisations, which have been authorised, under this Law to act on behalf of the Republic, to ensure compliance of Cyprus ships and of operators of Cyprus ships with the International Conventions. The Competent Authority shall act in accordance with the relevant provisions of the Annex and the Appendix to IMO Resolution A. 847(20) of 27 November 1997 on Guidelines to assist flag States in the implementation of IMO Instruments.

(3) The Competent Authority shall supervise, oversee and follow up the work of the recognised organisations which have been authorised to act on behalf of the Republic, as provided in this Law.

Survey and certification of Cyprus ships by authorised persons.

4.- (1) Inspections and surveys of Cyprus ships, the marking of load lines, the tonnage measurement, the monitoring of shipbuilding and repair works of Cyprus ships, the issue and renewal of relevant certificates, of certificates of permanent or provisional exemptions from, or equivalent arrangements according to, the International Conventions, and the issue and renewal of certificates according to the SOLAS Convention to the operators of Cyprus ships, shall be undertaken, whether in whole or in part, only by –

- (i) Surveyors of ships; or
- (ii) recognised organisations which are authorised by the Competent Authority to act on behalf of the Republic.

(2) The Competent Authority shall approve all cases of exemption, whether permanent or provisional, from the provisions of, or equivalent arrangements according to the International Conventions, as well as the issue and renewal of the relevant certificates.

(3) In case of cargo ship safety radio certificates, a private body recognised by the Competent Authority and having sufficient expertise and qualified

⁷ Editorial Note: As of 1st March 2018 by the effect of the provisions of section 4(2)(b) of *the Establishment of a Shipping Deputy Ministry to the President and Appointment of a Shipping Deputy Minister to the President and for Matters Connected Therewith Law of 2017 (Law 123(I)/2017)* this reference to the “Minister of Transport, Communications and Works” is now construed as a reference to the “Shipping Deputy Minister to the President”.

personnel to carry out, on its behalf, specified safety assessment work on radiocommunication may be entrusted with these duties by the Competent Authority,

(4) In order for the recognition and assignment of such duties to the private body, in accordance with subsection (3), to take place, the private body must fulfil the criteria set out in a decision of the Minister published in the Official Gazette of the Republic. The recognition and assignment of such duties is effected by a relevant decision of the Competent Authority addressed to the interested bodies. The Competent Authority may at any time withdraw its recognition of a private body which no longer fulfils the criteria or whose performance is not considered as being satisfactory.

(5) This section does not concern the certification of specific items of marine equipment.

Authorisation of recognised organisations.

5.-(1) Subject to subsection (2) of this section and to sections 6 and 8, the Competent Authority shall in principle not refuse to authorise the undertaking of any functions referred to in section 4 by a recognised organisation.

Provided that the Competent Authority may restrict the number of organisations it authorises in accordance with the needs of Cyprus shipping, provided there are transparent and objective grounds for so doing.

(2) The Competent Authority may –

- (a) refuse to authorise a recognised organisation, or
- (b) withdraw an authorisation granted to a recognised organisation,

which organisation has its place of location in a third country, if that third country does not grant reciprocal treatment to a recognised organisation located in a Member State, as requested by the Republic.

Conclusion of Agreement - Model of Agreement.

6.-(1) The Republic shall set out its working relationship with any recognised organisation authorised to act on its behalf in accordance with the provisions of this Law, by concluding a formal written and non-discriminatory Agreement, which shall set out the specific duties and functions assumed by such organisation.

(2) The written Agreement shall be signed on behalf of the Republic by the Competent Authority and on behalf of the recognised organisation by its Chair or its representative, empowered to bind with his/her signature the authorised organisation, or by a representative of the recognised organisation who has been authorised for such purpose by the competent management body of the recognised organisation, in accordance with the provisions of the legislation governing the incorporation and operation thereof in the country in which the organisation is located.

(3) The Director shall publish by notification in the Official Gazette of the Republic, a model Agreement.

(4) An Agreement under this section must include at least the following:

(a) the provisions set out in Appendix 2 of IMO Resolution A.739(18) of 4th November 1993, on guidelines for the authorisation of organisations acting on behalf of the administration, while drawing inspiration from the Annex, Appendixes and Attachment to IMO MSC/Circular 710 and MEPC/Circular 307 on model agreement for the authorisation of recognised organisations acting on behalf of the administration;

(b) the following provisions concerning financial liability:

(i) if liability arising out of any marine casualty is finally and definitely imposed on the Republic by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for loss or damage to property or personal injury or death, which is proved in that court of law or through the arbitration procedures to have been caused by a wilful act or omission or gross negligence of the recognised organisation, its bodies, employees, agents or others who act on behalf of the recognised organisation, the Republic shall be entitled to financial compensation from the organisation to the extent that the said loss, damage, injury or death was, as decided by that court or on the basis of the arbitration procedures, caused by the recognised organisation;

(ii) if liability arising out of any marine casualty is finally and definitely imposed on the Republic by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for personal injury or death, which is proved in that court of law or through the arbitration procedures to have been caused by any negligent or reckless act or omission of the recognised organisation, its employees, agents or others who act on behalf of the recognised organisation, the Republic shall be entitled to financial compensation from the recognised organisation to the extent that the said personal injury or death was, as decided by that court or on the basis of the arbitration procedures, caused by the recognised organisation; the Competent Authority and the recognised organisation may by the Agreement limit the maximum amount payable by the recognised organisation, which must, however, be at least equal to four million Euro (€4.000.000);

- (iii) if liability arising out of any incident is finally and definitely imposed on the Republic by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for loss or damage to property, which is proved in that court of law or through the arbitration procedures to have been caused by any negligent or reckless act or omission of the recognised organisation, its employees, agents or others who act on behalf of the recognised organisation, the Republic shall be entitled to financial compensation from the recognised organisation, to the extent that the said loss or damage was, as decided by that court or on the basis of the arbitration procedures, caused by the recognised organisation; the Competent Authority and the recognised organisation may by the Agreement limit the maximum amount payable by the recognised organisation, which must, however, be at least equal to two million Euro (€2.000.000);
- (c) provisions for a periodical audit by the Competent Authority or by an impartial external body appointed by the Competent Authority into the duties the organisations are undertaking on behalf of the Republic, as referred to in section 8(1);
- (d) provisions for the possibility for random and detailed inspections of ships;
- (e) provisions for compulsory reporting by the recognised organisation to the Competent Authority of essential information about the organisation's classed fleet, changes of class, suspensions and withdrawals of class certificate;
- (f) provisions as to the effect that the Agreement shall be treated as terminated if the Commission withdraws the recognition of the recognised organisation, in accordance with Regulation (EC) No. 391/2009, and to the effect that, in such a case, the Republic shall not bear any liability for paying financial compensation to the said organisation.

(5) The Agreement, in accordance with this section, may set the requirement that the recognised organisation has a local representation in the Republic. Such requirement may be satisfied by a local representation having legal personality under the laws of the Republic, and being subject to the jurisdiction of the Courts of the Republic.

(6) The Competent Authority shall provide the Commission with copies of any Agreements concluded with recognised organisations.

Withdrawal or suspension of authorisation of recognised organisations.

7.-(1) Notwithstanding the minimum criteria specified in Annex I of Regulation (EC) No. 391/2009, when the Competent Authority considers that a recognised organisation should no longer be authorised to act on behalf of the Republic, it may suspend or withdraw such authorisation.

(2) The Competent Authority, in issuing its decision, shall inform the Commission and the other Member States of its decision according to subsection (1) without delay and shall give substantiated reasons therefor.

(3) The withdrawal or suspension of an authorisation shall be effected by a decision of the Competent Authority published in the Official Gazette of the Republic.

Monitoring of recognised organisations.

8.-(1) The Competent Authority shall monitor the work of recognised organisations acting on behalf of the Republic, in order to satisfy itself that they effectively carry out the functions referred to in section 4.

(2) The Competent Authority shall carry out this task at least on a biennial basis and shall provide the Commission and the other Member States with a report of the results of its monitoring at the latest by 31 March of the year following the year in which the monitoring was carried out.

Obligation of the Competent Authority as a port State control competent authority. 95(I) of 2011.

9.-(1) Notwithstanding the provisions of subsection (2) of this section, if, in exercising inspection rights in fulfilling the relevant obligations, granted and assigned, respectively, to the Competent Authority under *the Merchant Shipping (Port State Control) Law of 2011*, it is established that :

(a) the issue of a valid certificate by a recognised organisation, acting on behalf of a flag State, to a ship which does not fulfil the relevant requirements of the International Conventions; or

(b) any deficiency-failure of a ship carrying a valid class certificate and relating to items covered by that certificate;

the Competent Authority shall report the above accordingly –

(aa) to the Commission and to other Member States;

(bb) to the flag State concerned; and

(cc) the relevant recognised organisation at the time of the initial inspection.

(2) The reporting according to subsection (1) shall relate to the discovery of, ships representing a serious threat to safety and the environment or showing evidence of particularly negligent behaviour of the relevant recognised organisations.

(3) The recognised organisation which is notified in accordance with subsection (1) above shall have the obligation to take appropriate follow-up action immediately.

Compliance of Cyprus ships with the requirements of a recognised organisation.

10.-(1) (a) Subject to subsection (3), the shipowner and the operator of a Cyprus ship shall individually bear the obligation to ensure that the ship be constructed, equipped and maintained in conformity with the rules and procedures of the recognised organisation acting on behalf of the Republic, with respect to the hull, machinery and electrical and control installation requirements.

(b) Subject to subsection (3), the shipowner and the operator of a Cyprus ship shall individually bear the obligation to furnish the ship with a valid class certificate issued by a recognised organisation acting on behalf of the Republic.

(2) The Competent Authority shall cooperate with the recognised organisations, it authorises to act on its behalf, in the development of the rules and procedures of those organisations. The Competent Authority shall confer with the recognised organisations with a view to achieving consistent interpretation of the International Conventions.

(3)(a) The Minister may, by virtue of an order, issue and apply rules it considers equivalent to those of a recognised organisation.

In such case:

(i) subsection (1) shall not apply; and

(ii) the shipowner and operator of a Cyprus ship individually bear the obligation to ensure that the said ship complies with the aforementioned rules.

(b) The Minister may issue an order, as per paragraph (a) above, provided that:

(i) the rules, as referred therein, are notified in advance to the Commission and to other Member States in accordance with the *Procedure for the Provision of Information of Certain Technical Rules Laws of 2003 and 2004*; and

(ii) the said rules have not been objected to by any other Member State or the Commission; and

(iii) the said rules were not found not to be equivalent in accordance with the regulatory process as per Article 6(2) of Directive 2009/15/EC.

(4) A shipowner and operator of the Cyprus ship who refuses or omits to ensure the compliance of the ship with -

(a) any of the requirements of paragraphs (a) and (b) of subsection (1);
or

(b) any rule provided in an order issued pursuant to subsection (3)

*72(I) o 2003
174(I) of 2004.*

shall be guilty of a criminal offence and shall be liable to imprisonment not exceeding two years or to a fine not exceeding eight thousand five hundred euro (€8.500) or to both such penalties.

Director`s obligations.

11.-(1) The Director shall keep a copy of the International Instruments referred to in section (2) and shall provide any person who so requires-

- (a) with access to any such instrument, provided that the said person requires so in the manner as prescribed by notification; and
- (b) with a copy of any such instrument, provided that the said person requires so in the manner as prescribed by notification and pays to the Director a fee prescribed by the Director, which does not exceed the cost borne by the Department for the production of the copy.

(2) The international instruments in relation to which the Director has an obligation under subsection (1) are the following:

- (a) the International Conventions, in their up-to-date versions, provided that this is allowed by the intellectual property rights (copyrights) of the IMO, the International Labour Organization and the International Telecommunication Union;
- (b) the Resolutions and Circulars of the IMO, referred to in this Law;

(3) The Director may keep a copy of the international instruments, as referred to in subsection (2) in a digital form only, and shall provide access to such and copies thereof, only in digital form.

Administrative fine.

12. - (1) In case the Competent Authority, finds that a person commits an act or omits to fulfil any of his/her obligations in contravention of the provisions of section 10 (1) or (3), the Competent Authority has a power to impose on such person an administrative fine not exceeding eight thousand five hundred Euro (€8.500), depending on the seriousness of the contravention and irrespective of whether or not there is a concurrent case of a criminal liability by virtue of this Law, or any other law or regulatory act.

(2) The Competent Authority before imposing the administrative fine, notifies the person affected of its intention to impose the administrative fine, informing him of the reasons for which it intends to act as such and providing such person with the right to submit representations within five days from the date of such notification.

(3) The Competent Authority imposes an administrative fine by virtue of subsection (1) by a written and reasoned decision communicated to the person affected —

- (a) which confirms the contravention; and

(b) by which the person affected is informed—

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

(A) before the Minister, and

(B) before the Supreme Court in accordance Section 146 of the Constitution, and

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

(c) which is executed upon communication.

(4) The amount of the administrative fine imposed by virtue of subsection (1) shall be calculated in each case on the basis of indicative directions issued by the Minister, without thereby limiting, within the scope of the directions, the discretionary power of the Competent Authority, which confirms the particular contravention, to decide freely on the basis of the actual facts of each case.

(5) (a) The affected person or his/her representative in the Republic, each have the right to challenge by an hierarchical recourse, before the Minister a decision of the Competent Authority, imposing an administrative fine by virtue of this section which relates to the said ship.

(b) The right to bring a hierarchical recourse before the Minister is exercised in writing within a time-limit of 30 days from the notification of the challenged decision, to the person affected.

(c) In cases where the administrative fine is imposed by a decision of the Minister as the Competent Authority, the present section is applicable as if it were a provision which provided for the right to file an objection before the Minister, against his decision imposing an administrative fine.

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

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

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

(a) subsections (6) and (7) do not apply in relation to such administrative fine;

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

Making of Regulations.

13. The Council of Ministers has the power to make Regulations in order to regulate any matter which under this Law needs or is capable of receiving regulation.

Issue of orders and notifications.

14.-(1) The Minister may issue any order as referred to in section 2 (1).

(2) The Minister may, by virtue of an order, amend any monetary sum as referred to in section 6 (4) (b) (ii) and (iii).

(3) The Director may issue any notification as provided in this Law.

*Repeal of Laws and saving of certain acts done thereunder.
46(I) of 2001
83(I) of 2004.*

15. – (1) *The Merchant Shipping (Recognition and Authorisation of Organisations) Laws of 2001 and 2004* are hereby repealed.

(2) Notwithstanding the provisions of subsection (1) above, the model Agreement issued by virtue of a notification of the Director pursuant to sections 2 and 8(3) of *the Merchant Shipping (Recognition and Authorisation of Organisations) Laws of 2001 and 2004*, shall remain in force, until repealed and replaced by virtue of a notification issued according to section 6 of this Law and -

(a) shall be deemed as issued by virtue of this Law; and

(b) on the condition that it applies *mutatis mutandis* under the present Law and Regulation (EC) No. 391/2009.

(3) Notwithstanding the provisions of subsection (1) above, the current Agreements, concluded between the Competent Authority and the recognised organisations by virtue of section 8 of *the Merchant Shipping (Recognition and Authorisation of Organisations) Laws of 2001 and 2004*, shall remain in force and shall be deemed as Agreements concluded pursuant to this Law, until replaced by a new Agreement concluded pursuant to section 6 of this Law;

Provided that the remaining in force of the current Agreements according to this section, applies *mutatis mutandis* under the present Law and Regulation (EC) No. 391/2009.

Transitory provision for relevant certificates of Cyprus ships.

16.-(1) Certificates which-

(a) have been issued to Cyprus ships, or to the operators of such Cyprus ships, before the entry into force of this Law; or

(b) are issued after the entry into force of this Law by a recognised organisation, with which an Agreement has been concluded according to section 8 of *the Merchant Shipping (Recognition and Authorisation of Organisations) Laws of 2001 and 2004*,

shall continue to be valid and shall be deemed as certificates issued by virtue of an Agreement concluded in accordance with this Law, provided that-

(aa) the recognised organisation which issued or issues such certificates, is still being recognised pursuant to the provisions of Regulation (EC) No. 391/2009; and

(bb) the current Agreement which was concluded between the Competent Authority and the recognised organisation still remains in force.

(2) From the date of entry into force of Agreements concluded by virtue of this Law, between the Competent Authority and the recognised organisations authorised to act on behalf of the Republic, the certificates issued by such recognised organisations before the entry into force of such Agreements, to Cyprus ships or the operators of such Cyprus ships, shall remain valid and be deemed as certificates issued pursuant to Agreements concluded by virtue of this Law.