



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS

Circular No. 19/2013

TEN 5.13.09
TEN 4.2.12.3.08

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

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

*c/o Cyprus Shipping Chamber
c/o Cyprus Union of Shipowners
c/o Cyprus Shipping Association*



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

19th July 2013

Subject: - New EU Council Decision 2013/201/CFSP concerning restrictive measures against Somalia amending EU Council Decision 2010/231/CFSP;
- UN Security Council Resolution 2093 (2013).

1. I refer to the above subject and further to DMS Circulars No. 48/2011 and No.57/2012, I wish to inform you of the adoption by the United Nations and the European Union of the following instruments concerning restrictive measures against Somalia:

- ***UN Security Council Resolution (UNSCR) 2093 (2013);***
- ***EU Council Decision 2013/201/CFSP amending EU Council Decision 2010/231/CFSP.***

2. Under the aforesaid instruments as well as previously adopted **EC Council Regulation (EC) No. 147/2003 as amended**, and **UNSCRs 733 (1992), 1356 (2001), 1744 (2007), 1844 (2008), 1853 (2008), 2002 (2011)**, the following prohibitions on transportation, are in force:

(A) Arms and related materiel

(A.1) Prohibition:

The transportation by Cyprus ships of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to Somalia, irrespective of origin, is prohibited.

(B.2) Exceptions:

The above prohibition shall not apply to the transfer of:

- (a) arms and related materiel of all types intended solely for the support of or use by AMISOM as stipulated in paragraph 4 of UNSCR 1744 (2007) or for the sole use of States and regional organisations undertaking measures in accordance with paragraph 6 of UNSCR 1851 (2008) and paragraph 10 of UNSCR 1846 (2008);
- (b) weapons and military equipment intended solely for the support of, or use by, AMISOM's strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012, and in cooperation and coordination with AMISOM;
- (c) arms and related materiel of all types intended solely for the purpose of helping to develop security sector institutions, consistent with the political process set out in paragraphs 1, 2 and 3 of UNSCR 1744 (2007) and in the absence of a negative decision by the Sanctions Committee within five working days of receiving the relevant notification;
- (d) non-lethal military equipment intended solely for humanitarian or protective use, or of materiel intended for institution building programmes of the Union, or Member States, including in the field of security, carried out within the framework of the Peace and Reconciliation Process, as approved in advance by the Sanctions Committee, and of protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by UN personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;
- (e) weapons and military equipment intended solely for the support of or use by UN personnel, including the UN Political Office for Somalia or its successor mission;
- (f) weapons and military equipment intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people, except in relation to deliveries of the items set out in Annex II of EU Council Decision 2010/231/CFSP as amended, if a notification to the Sanctions Committee has been made at least five days in advance in accordance with paragraph 38 of UNSCR 2093 (2013), including, if appropriate, as set out in article 1(4) of EU Council Decision 2010/231/CFSP as amended.

(B) Arms and related materiel to non- authorized individuals

It is prohibited to transfer any weapons or military equipment, sold or supplied solely for the development of the Security Forces of the Federal Government of Somalia to any individual or entity not in the service of the Security Forces of the Federal Government of Somalia.

(C) Arms and related materiel to certain persons and entities

The transportation by Cyprus ships of weapons or military equipment to any persons and entities as set out in Annex I of EU Council Decision 2010/231/CFSP as amended, designated by the Sanctions Committee as:

- (a) engaging in, or providing support for, acts that threaten the peace, security or stability of Somalia, including acts that threaten the peace and reconciliation process in Somalia, or threaten the Federal Government of Somalia or AMISOM by force;
- (b) having acted in violation of the arms embargo or the arms resale and transfer restrictions or the prohibition against providing related assistance as referred to in article 1 of EU Council Decision 2010/231/CFSP as amended;
- (c) obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;
- (d) being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law;
- (e) being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement;

is prohibited.

(D) Charcoal

(D.1) Prohibition:

The transportation by Cyprus ships of charcoal, including the products set out in Annex II of EC Council Regulation (EC) No. 147/2003 as amended, irrespective of origin, is prohibited.

(D.2) Exception:

The above prohibition does not apply to the transportation of charcoal which had been exported from Somalia prior to 22 February 2012.

3. The aforementioned instruments also set out further obligations related to cargo information and inspection as well as further prohibitions relating insurance and reinsurance In particular:

(a) With respect to cargo inspection:

Member States shall inspect, in accordance with their national authorities and legislation and consistent with international law, all cargo to and from Somalia in their territory, including at their seaports, if they have information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited under article 3 of EU Council Decision 2010/231/CFSP as amended.

(b) With respect to cargo information:

Vessels transporting cargo to and from Somalia shall be subject to the requirement of additional pre- arrival or pre-departure information for all goods brought into or out of a Member State.

(c) With respect to Insurance and Reinsurance:

It is prohibited to provide insurance and reinsurance related to the import, transportation or purchase of charcoal from Somalia.

4. The text of the aforementioned European Union instruments may be found on <http://eur-lex.europa.eu> whereas the text of United Nations Security Resolution may be found on <http://www.un.org/Docs/sc/>.

A regularly updated list of all the European Union restrictive measures in force can be found at http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf

5. All recipients of the present Circular are invited to take note of its content and should strictly abide by the provisions of the aforementioned UN & EU Instruments.

This Circular must be placed on board vessels flying the Cyprus flag.



Nicolaos L. Charalambous
Acting Director
Department of Merchant Shipping

Cc: - Permanent Secretary, Ministry of Communications and Works

- Attorney General of the Republic
- Permanent Secretary, Ministry of Foreign Affairs
- Permanent Secretary, Ministry of Defence
- Permanent Secretary, Ministry of Justice and Public Order
- Diplomatic Missions and Honorary Consular Officers of the Republic
- Maritime Offices of the Department of Merchant Shipping abroad
- General Manager, Cyprus Ports Authority
- Director, Department of Customs and Excise
- Registrar of Companies
- Commander, Cyprus Marine Police
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Cyprus Shipping Association
- Cyprus Bar Association