

REPUBLIC



OF CYPRUS

**MINISTRY OF COMMUNICATIONS AND WORKS
DEPARTMENT OF MERCHANT SHIPPING
LEMESOS**

12.07.2004

Circular No. 38 / 2004

TEN 5.13.09
TEN 12.3.02.6

To all Owners, Managers
and Representatives
of Ships under the Cyprus Flag

Subject: Implementation of EU Harmonising Legislation: The Merchant Shipping (Issue and Recognition of Certificates and Marine Training) (Amendment) Law of 2004(Law 168 (I)/2004).

1. I wish to inform you that, the *Merchant Shipping (Issue and Recognition of Certificates and Marine Training) (Amendment) Law of 2004 (Law 168 (I) /2004)* (published in the *Official Gazette No.3851,Suppl (I)(I) dated 30.04.2004*), which amends the principal Law 109(I)/2000, was enacted for the purpose of the better transposition into our national legislation of some aspects of :

-Directive 2001/25/EC of the European Parliament and of the Council of 4th April 2001, on the minimum level of training of seafarers.

-Furthermore, article 11(1) and (2) of Directive 2002/84/EC of the European Parliament and of the Council of 5th November 2002 which amends Directive 2001/25/EC is also transposed by Law 168(I)/2004 for the purpose of improving the implementation of Community legislation on maritime safety.

The text of the above Community Directives is available on the European Union website at <http://europa.eu.int/eur-lex/> in "Legislation/ Directory of Community legislation in force/ Transport Policy /Shipping/ Safety at Sea.

The above mentioned Law entered into force on the 1st of May 2004. (Date of accession of the Republic of Cyprus to the EU).

2. With respect to Directive 2001/25/EC articles 1(12),(14),(26),(30)and (31) concern definitions of the terms of "ship flying the flag of a member state", "propulsion power", "company", "third country" and "month" which are transposed in section 2 of Law 168(I)/2004(hereinafter referred to as "the present Law").

Article 4 refers to the definition of the term “certificate” which is transposed in section 2(ε) of the present Law.

Article 5(5) and (9) refers to the format of endorsements which is transposed in sections 7(α) and 7(β) of the present Law.

Article 9(3) refers to the obligation of the Member State to submit a report concerning the evaluation of quality standards applicable to the administration of the certification system, to the Commission within six months of the date of the said evaluation. This is transposed in section 14 of the present Law.

Article 10(4) (b) refers to the obligation of the Member State to share information concerning certificates, endorsements and dispensations with other Member States or other contracting parties to the STCW Convention and to Companies, which request verification of the authenticity and validity of certificates produced to them by seafarers seeking recognition of their certificates or employment on board ships . This is transposed by section 8 of the present Law.

Article 11(1), (2), (4) and (5) concerns the revalidation of certificates and is transposed by section 10 of the present Law.

Article 12 concerns the use of simulators and is transposed by section 12 of the present Law.

Article 16(2) (a) to (g) concerns the responsibility of Member States as regards training and assessment of seafarers and is transposed by section 13 of the present Law.

Article 18 concerns the recognition of certificates and is transposed by sections 11 and 17 of the present Law.

3. With respect to Directive 2002/84/EC, Article 11(1) concerns the amendments of the definitions of “ro-ro passenger ships”, “radio Regulations”, “IBC Code”, “IGC Code” and the “STCW Code”. This is transposed by sections 2(α),(β),(γ),(δ) of the present law. Article 12(2) of the abovementioned Directive concerns the amendments to the international instruments referred to in Article 11(1) of the said Directive and which are excluded from the scope of application of Directive 2001/25/EC pursuant to Article 5 of Regulation 2099/2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships(COSS). This is transposed by section 2(η) of the present Law.

4. Further details and requirements with regard to the effective implementation of the harmonising legislation will be communicated to you by a new Circular to be issued in the near future.

Serghios S. Serghiou
Director
Department of Merchant Shipping

Cc:-Permanent Secretary, Ministry of Communications and Works
-Permanent Secretary, Planning Bureau
- Permanent Secretary, Ministry of Foreign Affairs
- Permanent Secretary, Ministry of Labour and Social Insurance
- Maritime Offices of the Department of Merchant Shipping abroad
-Diplomatic Missions and Honorary Consular Officers of the Republic
-Cyprus Shipping Council
-Union of Cypriot Shipowners
-Association of Cypriot Shipowners (Searovers) Ltd
-Cyprus Bar Association
-PEO Trade Union
-SEK Trade Union