



REPUBLIC OF CYPRUS  
MINISTRY OF  
COMMUNICATIONS AND WORKS



DEPARTMENT  
OF MERCHANT SHIPPING  
LEMESOS

Circular No 35/2010

7<sup>th</sup> December 2010

TEN 5.13.09  
TEN 4.24.03.10

- To all Owners, Managers and Representatives of Ships
- under the Cyprus flag and of Ships of all flags within the territory of Cyprus
- Recognised Organisations
- Cyprus Ports Authority

**Subject:** Entry into force of new Chapter 8 , Prevention of Pollution during transfer of oil cargo between Oil Tankers at Sea of Annex I of the International Convention for the Prevention of Pollution from Ships (MARPOL) as amended.

I refer to the above subject and wish to inform you that the Marine Environment Protection Committee (MEPC) at its 59th session in July 2009, adopted by resolution MEPC.186 (59) the new Chapter 8 of Annex I of the MARPOL Convention, "Prevention of Pollution during transfer of oil cargo between Oil Tankers at Sea (STS)", which will enter into force on 1<sup>st</sup> January 2011. A copy of this resolution is attached for easy reference.

Any oil tanker involved in STS operations must carry on board a Plan prescribing how to conduct STS operations (STS operations Plan), not later than the date of the first annual, intermediate or renewal survey of the ship to be carried out on or after 1 January 2011. Each oil tanker's STS operations Plan shall be approved by the Administration. The STS operations Plan shall be written in the working language of the ship.

For Cyprus Flag Ships, in case the working language of the Ship is not English, then an approved copy in English should also be provided.

Owners and/or managers of tankers flying the Cyprus Flag, to which this Regulation applies, are advised to apply to the Recognised Organization (RO) with which the vessel is classed, in order to obtain the required approval.

It should be noted that for Ship to Ship Transfer operations to be held within Cyprus territorial waters, section 10 of the Law No. 57 of 1989 as amended (a Law to provide for the ratification of the International Convention for the Prevention of Pollution from Ships of 1973, of its protocol of 1978 and its amendments and for matters connected thereto), which is quoted below for easy reference *in italics*, provides for a number of preventive measures to be taken.

10. —(1) *During the loading and unloading of oil or during oil transfers, with the exception of those white aviation oil products (benzene, naphtha, fusions, fuel of jet-planes, kerosene and light DIESEL), effected at installations or ships, those in charge of such installations or ships have a duty to ensure that:*

- (a) *a boom of a type approved by the Competent Authority which will be deployed immediately in case of oil discharge, is available, ready for immediate use and to the required extent according to each case, so that the discharge be restricted within the said barrier;*
- (b) *a skimmer approved by the Competent Authority and in general any equipment for the collection of any discharge of oil, is available, and ready for immediate use. The capacity and quantity of the said equipment shall be proportionate to the quantity of the carried oil or oil derivatives; and*
- (c) *a dispersant of an approved type is available for use, at the required quantity for each case, to combat any eventual discharge of oil or oil derivatives.*

(2) *The duties according to the previous subsection may be assigned by those responsible in law, with the approval of the Competent Authority, to a suitable entity or organization considered by the Competent Authority to be capable for a successful confrontation of the risks arising from the pollution as more specifically prescribed in Regulations.*

A prior consultation, well in advance with the Cyprus Ports Authority (CPA) is also required through a ship agent, in order to determine the area, where the STS operation will be held, along with the financial terms that are applicable to this case. CPA contact details for the ports of Limassol and Larnaca are:

**Port Manager  
Limassol Port  
Tel.: ++357 25 207112  
Fax: ++357 25 566374  
E-mail: [limassol.port@cpa.gov.cy](mailto:limassol.port@cpa.gov.cy)**

**Port Manager  
Larnaca Port  
Tel.: ++357 24 815225  
Fax: ++357 24 635630  
E-mail: [laport@cpa.gov.cy](mailto:laport@cpa.gov.cy)**

The regulations contained in the new chapter 8 of Annex I of the MARPOL Convention, apply to oil tankers of 150 gross tonnage and above, engaged in the transfer of oil cargo between oil tankers at sea (STS operations) and their STS operations taking place on or after 1 April 2012. However, STS operations conducted within Cyprus territorial waters before that date, but after the approval by the Administration of the STS Operations Plan required under regulation 41.1 shall be in accordance with the STS Operations Plan as far as possible, including notification to the Administration at the following address:

**Department of Merchant Shipping – Marine Environment Protection Division**  
**Tel.: +357 25 848 273, +357 25 848132 or by Fax: +357 25 848 200**  
**e-mail: environment@dms.mcw.gov.cy**

For any questions concerning the content of this Circular, interested parties may contact the Department at the above address.

**This Circular must be placed on board ships flying the Cyprus Flag.**

The Masters, Owners, Managers and Representatives of ships flying the Cyprus flag, and of ships of all flags sailing within the territorial waters and the Exclusive Economic Zone of Cyprus are advised to abide strictly by the new amendments.

S.S.Serghiou  
Director  
Department of Merchant Shipping

CC: - Permanent Secretary, Ministry of Communications and Works

- Permanent Secretary, Ministry of Foreign Affairs
- Maritime Offices of the Department of Merchant Shipping abroad
- Diplomatic Missions and Honorary Consular Officers of the Republic
- Director General, Cyprus Ports Authority
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Cyprus Shipping Association
- Cyprus Bar Association

**ANNEX 22**

**RESOLUTION MEPC.186(59)**

**Adopted on 17 July 2009**

**AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO  
THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF  
POLLUTION FROM SHIPS, 1973**

**(Addition of a new chapter 8 to MARPOL Annex I and consequential amendments to the  
Supplement to the IOPP Certificate, Form B)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution,

NOTING Article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL 73/78),

HAVING CONSIDERED proposed amendments to Annex I of MARPOL 73/78,

1. ADOPTS, in accordance with Article 16(2)(d) of the 1973 Convention, the amendments to Annex I of MARPOL 73/78 concerning the addition of a new chapter 8 and consequential amendments to the Supplement to the IOPP Certificate, Form B, the text of which is set out in the annex to the present resolution;
2. DETERMINES, in accordance with Article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 July 2010 unless, prior to that date, not less than one-third of the Parties or Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;
3. INVITES the Parties to note that, in accordance with Article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on 1 January 2011 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with Article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL 73/78 certified copies of the present resolution and the text of the amendments contained in the annex; and
5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL 73/78 copies of the present resolution and its annex.

ANNEX

**(Addition of a new chapter 8 to MARPOL and Annex I and consequential amendments to the Supplement to the IOPP Certificate, Form B)**

*1 A new chapter 8 is added:*

**“CHAPTER 8 – PREVENTION OF POLLUTION DURING TRANSFER OF OIL CARGO BETWEEN OIL TANKERS AT SEA**

***Regulation 40***

*Scope of application*

1 The regulations contained in this chapter apply to oil tankers of 150 gross tonnage and above engaged in the transfer of oil cargo between oil tankers at sea (STS operations) and their STS operations conducted on or after 1 April 2012. However, STS operations conducted before that date but after the approval of the Administration of STS operations Plan required under regulation 41.1 shall be in accordance with the STS operations Plan as far as possible.

2 The regulations contained in this chapter shall not apply to oil transfer operations associated with fixed or floating platforms including drilling rigs; floating production, storage and offloading facilities (FPSOs) used for the offshore production and storage of oil; and floating storage units (FSUs) used for the offshore storage of produced oil<sup>1</sup>.

3 The regulations contained in this chapter shall not apply to bunkering operations.

4 The regulations contained in this chapter shall not apply to STS operations necessary for the purpose of securing the safety of a ship or saving life at sea, or for combating specific pollution incidents in order to minimize the damage from pollution.

5 The regulations contained in this chapter shall not apply to STS operations where either of the ships involved is a warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships that the STS operations are conducted in a manner consistent, so far as is reasonable and practicable, with this chapter.

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Revised Annex I of MARPOL, chapter 7 (resolution MEPC.117(52)) and UNCLOS article 56 are applicable and address these operations.

**Regulation 41**

*General Rules on safety and environmental protection*

1 Any oil tanker involved in STS operations shall carry on board a Plan prescribing how to conduct STS operations (STS operations Plan) not later than the date of the first annual, intermediate or renewal survey of the ship to be carried out on or after 1 January 2011. Each oil tanker's STS operations Plan shall be approved by the Administration. The STS operations Plan shall be written in the working language of the ship.

2 The STS operations Plan shall be developed taking into account the information contained in the best practice guidelines for STS operations identified by the Organization<sup>2</sup>. The STS operations Plan may be incorporated into an existing Safety Management System required by chapter IX of the International Convention for the Safety of Life at Sea, 1974, as amended, if that requirement is applicable to the oil tanker in question.

3 Any oil tanker subject to this chapter and engaged in STS operations shall comply with its STS operations Plan.

4 The person in overall advisory control of STS operations shall be qualified to perform all relevant duties, taking into account the qualifications contained in the best practice guidelines for STS operations identified by the Organization<sup>3</sup>.

5 Records<sup>4</sup> of STS operations shall be retained on board for three years and be readily available for inspection by a Party to the present Convention.

**Regulation 42**

*Notification*

1 Each oil tanker subject to this chapter that plans STS operations within the territorial sea, or the exclusive economic zone of a Party to the present Convention shall notify that Party not less than 48 hours in advance of the scheduled STS operations. Where, in an exceptional case, all of the information specified in paragraph 2 is not available not less than 48 hours in advance, the oil tanker discharging the oil cargo shall notify the Party to the present Convention, not less than 48 hours in advance that an STS operation will occur and the information specified in paragraph 2 shall be provided to the Party at the earliest opportunity.

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<sup>2</sup> IMO's "Manual on Oil Pollution, Section I, Prevention" as amended, and the ICS and OCIMF "Ship-to-ship Transfer Guide, Petroleum", fourth edition, 2005.

<sup>3</sup> IMO's "Manual on Oil Pollution, Section I, Prevention" as amended, and the ICS and OCIMF "Ship-to-ship Transfer Guide, Petroleum", fourth edition, 2005.

<sup>4</sup> Revised Annex I of MARPOL chapters 3 and 4 (resolution MEPC.117(52)); requirements for recording bunkering and oil cargo transfer operations in the Oil Record Book, and any records required by the STS operations Plan.

- 2 The notification specified in paragraph 1 of this regulations shall include at least the following:
- .1 name, flag, call sign, IMO Number and estimated time of arrival of the oil tankers involved in the STS operations;
  - .2 date, time and geographical location at the commencement of the planned STS operations;
  - .3 whether STS operations are to be conducted at anchor or underway;
  - .4 oil type and quantity;
  - .5 planned duration of the STS operations;
  - .6 identification of STS operations service provider or person in overall advisory control and contact information; and
  - .7 confirmation that the oil tanker has on board an STS operations Plan meeting the requirements of regulation 41.

3 If the estimated time of arrival of an oil tanker at the location or area for the STS operations changes by more than six hours, the master, owner or agent of that oil tanker shall provide a revised estimated time of arrival to the Party to the present Convention specified in paragraph 1 of this regulation.”

2 *In the Record of Construction and Equipment for Oil Tankers, Form B, new section 8A is added as follows:*

**“8A Ship-to-ship oil transfer operations at sea**  
(regulation 41)

8A.1 The oil tanker is provided with an STS operations Plan in compliance with regulation 41.”

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<sup>5</sup> The national operational contact point as listed in document MSC-MEPC.6/Circ.4 of 31 December 2007 or its subsequent amendments.

