



REPUBLIC OF CYPRUS  
MINISTRY OF TRANSPORT,  
COMMUNICATIONS AND WORKS



DEPARTMENT  
OF MERCHANT SHIPPING  
LEMESOS

Circular No. 22/2015

30 July 2015

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*

**Subject: - New EU Council Decision 2015/335/CFSP concerning restrictive measures against Somalia, in view of UN Security Council Resolution 2182 (2014).**

1. I refer to the above subject and further to DMS Circulars No. 12/2010, No. 19/2013, No. 6/2014 and in particular No. 2/2015 I wish to inform you of the adoption by the European Union of **EU Council Decision 2015/335/CFSP dated 2<sup>nd</sup> March 2015** amending EU Council Decision 2010/231/CFSP concerning restrictive measures against Somalia.
2. **EU Council Decision 2015/335/CFSP** seeks to implement paragraphs 15 to 21 of UN Security Council Resolution 2182 (2014), according to which Member States are authorised to inspect vessels in Somali territorial waters and on the high seas off the coast of Somalia as well as seize and dispose cargo (relevant is paragraph 3 of DMS Circular No. 2/2015).
3. In particular New Article 4a of EU Council Decision 2010/231/CFSP as amended provides as follows:

*“1. Member States may, in accordance with paragraphs 15 to 21 of UNSCR 2182 (2014), inspect, in Somali territorial waters and on the high seas off the coast of Somalia extending to and including the Arabian sea and Persian Gulf, acting nationally or through voluntary multinational naval partnerships, such as ‘Combined Maritime Forces’, in cooperation with the Federal Government of Somalia, vessels bound to or from Somalia which they have reasonable grounds to believe are:*

- (i) carrying charcoal from Somalia in violation of the charcoal ban;*
- (ii) carrying weapons or military equipment to Somalia, directly or indirectly, in violation of the arms embargo on Somalia;*
- (iii) carrying weapons or military equipment to individuals or entities designated by the Sanctions Committee.*



2. *Member States shall, when carrying out an inspection as referred to in paragraph 1, make efforts, in good faith, to first seek the consent of the vessel's flag State prior to inspections.*

3. *Member States may, when carrying out an inspection as referred to in paragraph 1, use all necessary measures commensurate with the circumstances, in full compliance with international humanitarian law and international human rights law, as may be applicable, and making every possible effort to avoid undue delay to, or undue interference with, the exercise of the right of innocent passage or freedom of navigation.*

4. *Member States may, upon discovery of any items the delivery, import or export of which is prohibited by the arms embargo on Somalia or the charcoal ban, seize and dispose of (such as through their destruction, rendering them inoperable or unusable, storage, or transferring them to a State other than the originating or destination States for disposal) such items. Member States may collect evidence directly relating to the carriage of such items in the course of inspection. Member States may dispose of seized charcoal through resale which shall be monitored by the Somalia and Eritrea Monitoring Group (SEMG). The disposal should be carried out in an environmentally responsible manner. Member States may authorise vessels and their crews to divert to a suitable port to facilitate such disposal, with the consent of the port State. A Member State cooperating in the disposal of such items shall provide a written report, on the steps taken to dispose or destroy them, to the Sanctions Committee no later than 30 days after such items enter its territory.*

5. *Member States shall promptly notify to the Sanctions Committee any inspections as referred to in paragraph 1, including by submitting a report on the inspection containing all relevant details, including an explanation of the grounds for, and the results of, the inspection and where possible including the flag of the vessel, the name of the vessel, the name and identifying information of the master of the vessel, the owner of the vessel, and the original seller of the cargo, and efforts made to seek the consent of the vessel's flag State.*

6. *Paragraph 1 shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the United Nations Convention on the Law of the Sea, including the general principle of exclusive jurisdiction of a flag State over its vessels on the high seas, with respect to any other situation than that referred to in that paragraph.”.*

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 Resolutions may be found on <http://www.un.org/en/sc/documents/resolutions/>

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](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.**



Andreas I. Chrysostomou  
Acting Director  
Department of Merchant Shipping

**Cc: - Permanent Secretary, Ministry of Transport, 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

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