

REPUBLIC



OF CYPRUS

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

Circular No. 7/2003

TEN 1/5

TEN 32/4/15/3

TEN 32/4/32/18

To all Owners, Managers
and Representatives of Ships
Registered in Cyprus

21 April 2003

**Subject: Government Policy regulating the Dispensations with regard to
Manning – Deficient Manning in respect of Qualifications or
Number of Crew of Cyprus Ships**

We have noticed that, in some cases, despite our explicit requirements, seafarers serve on board Cyprus ships in positions for which they do not possess either the appropriate Certificate of Competency, or a valid dispensation certificate issued to them by this Department in accordance with the provisions of Section 7 of the Merchant Shipping (Issue and Recognition of Certificates and Maritime Training) Law of 2000 and Article VIII of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended (STCW). In other cases, the number of the vessel's crew is lower than that stated on the minimum safe manning document issued by the Department of Merchant Shipping.

There have also been recorded cases where ships were detained because the Master and officers, although they were holders of appropriate certificates of competency they were not holders of Endorsements attesting the Recognition of non Cyprus Certificates of Competency or proofs of application for the issue of Cyprus Endorsements.

This situation has led to a considerable number of detentions of Cyprus ships by port-state control Authorities of various countries. In many instances, the respective ship operators applied to this Department requesting dispensations or permission for temporarily reduced number of crew, only

after their vessels had been detained. In order to put an end to this unacceptable practice, the following measures and limitations are deemed necessary and will be applied immediately.

A) Deficient Manning with Respect to Qualifications of crew-Dispensations from the Certification Requirements of the STCW Convention

1) Art VIII of the STCW Convention regulates the issue of a dispensation by the flag state, to permit a specified seafarer on a specified ship to fill temporarily a higher post than that for which he is certificated. Such dispensations can only be issued in circumstances of “exceptional necessity” and their effective period must not exceed six (6) months. In case of a long term difficulty on the part of a vessel’s operator to man his ship with fully qualified personnel, the circumstances should be characterised as “continued necessity” rather than “exceptional necessity”, therefore such circumstances do not qualify for a dispensation. In view of the important role that the human element plays in the overall safety of a ship, the following provisions will regulate the issue of dispensation certificates by this Department:

(a) Except in cases of “force majeure”, applications for dispensations from the Certification requirements of the STCW Convention will not be considered in respect of seafarers serving on the following types of ships, on account of the risks involved and the seriousness of the consequences in the case of a casualty:

- Roll on/Roll off passenger ferries
- Passenger ships
- Chemical tankers
- L.P.G. Carriers
- L.N.G. Carriers

b) Dispensations to seafarers serving on board ship types other than the above, may be granted only for the posts of Chief Officer and of Second Engineer provided that they hold proper qualifications for the immediate lower posts.

- c) All seafarers serving on board Cyprus flag ships must hold the appropriate Certificates for the posts they occupy or a valid dispensation issued by this Department.
 - d) No dispensation will be granted if the relevant application is made following the detention of the vessel by port-state control Authorities. A note will be included in every dispensation certificate, invalidating automatically the certificate if the vessel is being detained at a port with deficient manning.
- 2) The following information/documentation must be submitted together with the application for a dispensation:
- (a) Certificate of Competency of the Republic of Cyprus or Endorsement attesting the Recognition of non Cyprus Certificate of Competency (copy)
 - (b) Medical certificate (copy) issued in accordance with either the Merchant Shipping (Medical Examination of Seafarers and issue of Certificates) Law of 2000 by or on behalf of the Government of the Republic of Cyprus or the relevant provisions of the International Labour Organisation (ILO) Convention No. 23 and the STCW Convention, by or on behalf of the countries whose Certificates of Competency are recognised by the Republic of Cyprus.
 - (c) Length of service since the time the seafarer obtained the certificate of competency he currently holds (names of vessels he has served on, gross tonnage or propulsion power (as the case may be), rank or post the seafarer has held on board and period of service [dates (from- to)];
 - (d) Name of ship and date when the seafarer is expected to sign on or has signed on.
 - (e) Confirmation of the ship owner / ship manager as to the seafarer's competency, abilities and conduct with regard to his sea service, at the post he is certificated and/or at a higher post.
 - (f) Port where the vessel lies.

(g) Crew List

(h) Confirmation by owner/ manager that the vessel has no deficiencies and is not detained for reasons relating to safe manning.

3) You are reminded that the Masters and officers serving on board Cyprus flag vessels must hold either valid Cyprus certificates of competency, or foreign certificates of competency and Endorsements attesting the issue of their Certificates in accordance with Regulation I/2 of the STCW 1978 Convention as amended, if not incorporated on the certificates of competency and Cyprus Endorsement attesting the Recognition of their certificates of competency or proofs of application for the issue of such Endorsements corresponding to the post they occupy. Failure of the Master and/or officers to produce on request the above documents may result in the detention of the vessel by Port State Control Authorities.

4) You are also reminded that ratings forming part of a watch must hold certificates or training documentary evidence in accordance with the relevant provisions of the STCW Convention.

5) Your attention is drawn to the fact that vessels fitted with radio communication equipment in accordance with the requirements of Chapter IV of SOLAS 74 as amended (GMDSS), should comply with the requirements of Regulations IV/15.6, IV/15.7 and IV/16 of the same Chapter. As far as cargo ships are concerned, the Master and two officers, one of whom should be designated as having the primary responsibility, should qualify for distress and safety radiocommunications and should hold valid certificates in accordance with the requirements of Regulation IV/16. It is clarified that the aforesaid Officers should hold General Operator's certificate, endorsed by the Republic of Cyprus.

B. Deficient Manning with respect to Number of Crew

1. In exceptional circumstances due to unforeseen reasons, reduced manning of a Cyprus ship may be allowed, for a particular voyage and for a limited period of time, under the provisions of Section 15 of the Merchant Shipping (Safe Manning, Hours of Work and Watch keeping) Law of 2000.

2. In case such permission is required, an application should be submitted to this Department for approval. The application must be accompanied by the following information/documentation:

- a) Name of the vessel;
- b) Crew List
- c) Posts, in reference to the safe manning document, which will remain vacant.
- d) Voyage for which the deficient manning with respect to the number of crew is required (from-to) and anticipated duration; or duration for which deficient manning with respect to the number of crew is requested;
- e) Proposed arrangements to ensure the safety of the vessel during the period of the deficient manning;
- f) Reason for requesting deficient manning in respect of number of crew;
- g) Proposals for rectification of the deficiency
- h) Port where the vessel lies.
- i) Confirmation by owner/ manager that the vessel has no deficiencies and is not detained for reasons relating to the safe manning.
- j) Copies of the Cyprus Endorsement or Proof of application for a Cyprus Endorsement for the Master and officers.

Exemptions for the position of the Master or Chief Engineer may only be issued in circumstances of “force majeure”, that is to say in an event or effect that could not reasonably be anticipated or controlled. For example, sudden illness of a person rendering him incapable to perform his duties on board may be considered as a circumstance of “force majeure”. However, arrangements for his proper replacement at the next port of call should be made.

In view of the above, you should be aware that failure to comply with the above requirements may result in the vessel's detention, whilst this Department will not grant any relevant waiver.

The Owners, Managers and Representatives of ships flying the Cyprus flag are advised to abide strictly by the above instructions.

Your attention is also drawn to the fact that manning deficiencies constitute a major non conformity with regard to the International Safety Management Code and thus, whenever such deficiencies are identified, the Document of Compliance of the Company and the Safety Management Certificate of the vessel will be seriously affected.

The present circular replaces circular 6/96 dated 8 April 1996.

The present circular should be kept on board vessels flying the Cyprus Flag.

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

Cyprus Shipping Council

Union of Cypriot Shipowners

Union of Cypriot Shipowners (Searovers)

Cyprus Bar Association

Recognised Classification Societies