



MINISTRY OF COMMUNICATIONS AND WORKS
DEPARTMENT OF MERCHANT SHIPPING
LEMESOS

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

Subject: The amendment of the Agreement on Maritime Transport between the Government of the Republic of Cyprus and the Government of the People's Republic of China of 29.08.1990 by a Protocol dated 02.12.2003 in order to align with the application of Council Regulation 539/2001/EC as amended (hereafter referred to as the "Schengen Aquis").

1. With reference to the above subject I wish to inform you that the Agreement on Maritime Transport between the Government of the Republic of Cyprus and the People's Republic of China of 29.08.1990 (published in the Official Gazette No.2548 ,Suppl (VII) dated 19.10.1990) has been amended by a Protocol dated 02.12.2003 (published in the Official Gazette No.3810,Suppl (VII) dated 13.02.2004) for the purpose of complying with the applicability of a single set of rules concerning visa requirements at external borders(hereafter referred to as the "Schengen Aquis") on issues derived from:

-*Council Regulation (EC) No 539/2001* of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as amended by *Council Regulation 2414/2001/EC* of 12.12.2001 and *Council Regulation 453/2003/EC* of 13.03.2003.

-*Council Regulation (EC) No 415/2003* of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit.

The text of the abovementioned Council Regulations is available on the European Union website at <http://europa.eu.int/eur-lex/> in "Legislation/Directory of the Community legislation in force/Justice and Home Affairs.

Under the EC Treaties, Regulations are directly applicable in all the member states without the need for any national implementing legislation. Therefore the abovementioned Council Regulations are directly applicable as from 1st of May 2004.(Date of accession of the Republic of Cyprus to the EU).

2. The Protocol amending the abovementioned Agreement contains the following provisions:

1.Amended Article 8 (1): It imposes an obligation on each of the Contracting Parties to recognise

the identity documents issued to each other's nationals, who are members of the crew and to grant to them the rights stipulated in Article 9. The identity documents are:
on the part of the Republic of Cyprus: The "Seafarer's Identification and Sea Service Record Book" and the passport issued by the appropriate Cypriot Authorities;
on the part of the People's Republic of China: The "Seafarer's Passport of the People's Republic of China".

There is a further obligation to notify the other Contracting Party through diplomatic channels the new title of the identity document where this is replaced or modified.

Article 8(2): There is an obligation to apply the provisions of Article 9 to any crew member of the ship of either Contracting Party who is neither a Cypriot nor a Chinese national but holds seaman's identity documents which are either corresponding to the provisions of the Convention on Facilitation of International Maritime Traffic 1965 and its Annex or accepted by the competent authority of the other Contracting Party.

The readmission of the bearer of such identity documents to the country issuing the travelling documents is guaranteed.

2. Articles 9 and 10 of the Agreement are combined as the new Article 9

Article 9(1): It establishes an exemption from the visa requirement for ship's crew which hold the seaman's identity documents as specified in Article 8 and are included in the ship's crew list in respect of temporary shore leave during the stay of the ship in a port of the other Contracting Party. There is a prerequisite for the master to submit the crew list to the appropriate authorities according to the national laws and regulations in the relevant port.

Article 9(2): Crew members of either Contracting Party holding the identity documents as specified in Article 8 are permitted, as passengers of any means of transport, to enter and leave the territory of the other Contracting Party or to pass through its territory in transit whenever they are joining vessels or moving to another ship or being repatriated or travelling for any other reason acceptable to the competent authorities of the other Contracting Party.

Article 9(3): It imposes an obligation on the appropriate authorities of the Contracting Party concerned, in all cases specified in article 9(2) to grant the necessary visas with the shortest possible delay, in accordance with their national laws and regulations.

Article 9(4): There is an obligation to grant visas with the shortest possible delay in cases of transit passage and /or repatriation of a crew member of a ship of one Contracting Party, which holds the identity documents as specified in Article 8, but is not a national of either Contracting Party. There is a prerequisite that the return to the country issuing the travelling document is guaranteed.

Article 9(5): The above mentioned persons, are subject to the frontier and customs control and any other laws and regulations in that port, while landing and returning to the ship.

3. Articles 11 to 24 of the Agreement are renumbered as Articles 10 to 23, respectively.

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- Permanent Secretary, Ministry of Foreign Affairs
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- 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
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