



REPUBLIC OF CYPRUS  
**MINISTRY OF  
COMMUNICATIONS AND WORKS**



**DEPARTMENT  
OF MERCHANT SHIPPING  
LEMESOS**

21 July 2009

Circular No. 17/2009  
TEN 5.13.09  
TEN 12.3.02.1

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 Shipping Association

**Subject: Implementation of EU Harmonising Legislation: *The Merchant Shipping (Port State Control) Amendment Law of 2009/English Consolidated Version available on the DMS Website***

1. I refer to the above subject and further to my previous Circulars No. 15/2004, No.55/2004, No.9/2005, No.27/2005, No.30/2005, and No. 5/2008 , I wish to inform you of the enactment of the *Merchant Shipping (Port State Control) Amendment Law of 2009 (Law 60(I) of 2009)* which was published in Greek in the Official Gazette of the Republic No. 4209, Supplement I(I) , dated 26.6.2009.

2. This Law effectively implements the provisions of Article 7(3) (a) and Article 19 a of the EU *Directive 95/21/EC of 19 June 1995 concerning “ enforcement in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States of international standards for ship safety , pollution prevention and shipboard living and working conditions (port State Control) ”* as last amended by Article 4 of *Directive 2002/84/EC of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships.*

3. The main provisions which are introduced by the said Law are the following:

-Article 3A concerning the exercise of powers and execution of duties of State officers and officials;

-Article 21A concerning the power of the Competent Authority to impose on a person an administrative fine in cases of contravention of section 6(3) (a) of the Law (ie failure to properly and promptly notify this Administration of the “pre- entry notification of arrival of the ship”);

-Article 21B concerning the right of the affected person, to challenge by a hierarchical recourse, before the Minister of Communications and Works, a decision of the Competent Authority imposing an administrative fine by virtue of section 21A .

4. The full text of the said Law has been incorporated into a consolidation version and is now available in English at our website: <http://www.shipping.gov.cy> (see Legislation/Consolidated Cyprus Shipping Legislation (full text of *the Merchant Shipping (Port State Control) Laws of 2001-2009*).

Please note that the above mentioned text is an “unofficial” consolidated translation of the Law into English , prepared by our Department.

In case a user, after consulting this new consolidation text of legislation on our website , discovers any kind of error ( eg. Translation, typing or editing errors) it will be very much appreciated if he or she communicates the relevant observations /suggestions by e-mail to the address: [legaleu@dms.mcw.gov.cy](mailto:legaleu@dms.mcw.gov.cy).

5. The Owners, Managers, Masters of Ships under the Cyprus flag and of Ships of all flags sailing within the territory of Cyprus are advised to strictly abide by the requirements of Law 60(I) of 2009.

Serghios S. Serghiou  
Director  
Department of Merchant Shipping

CC: -Permanent Secretary, Ministry of Communications and Works  
-General Manager Cyprus Ports Authority  
-Permanent Secretary, Ministry of Foreign Affairs  
-Attorney General of the Republic  
-Permanent Secretary , Planning Bureau  
-Office of the Coordinator for Harmonisation  
-Diplomatic Missions and Honorary Consular Offices of the Republic  
-Cyprus Shipping Chamber  
-Cyprus Union of Shipowners  
-Cyprus Shipping Association  
-Cyprus Bar Association  
-Recognised Classification Societies

CMA