



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS

Circular No. 38/2011

TEN 5.13.09
TEN 4.2.12.3.11

All Owners, Managers and Representatives
of Ships under the Cyprus Flag



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

1 November 2011

Subject: The Cyprus Ships (Prohibition of Transportation of Arms and Related Materiel to Syria) Order of 2011

1. I refer to the above subject and further to my previous Circular No. 33/2011 (dated 14.09.2011) I wish to inform you that the Council of Ministers of the Republic of Cyprus, in exercising its powers under section 3 of the Cyprus Ships (Prohibition of Transportation) Laws 1966-1971, issued the Cyprus Ships (Prohibition of Transportation of Arms and Related Materiel to Syria) Order of 2011, P.I. 426/2011¹, which implements the European Council Decision 2011/273/CFSP and Regulation (EC) No. 442/2011.
2. In implementing the aforementioned Instruments, Order P.I. 426/2011 prohibits the direct or indirect transportation by Cyprus ships to and from Syria of the following:
 - (a) arms and related materiel, whether or not originating in the Union, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts as well as equipment which might be used for internal repression in Syria;
 - (b) equipment which might be used for internal repression as listed in Annex I of Regulation (EC) No. 442/2011, whether or not originating in the Union, to any person, entity or body in Syria or for use in Syria.
3. In conformity with the aforementioned Instruments, Order P.I. 426/2011 further provides that this prohibition does not apply in respect of the transportation of the following on the condition that such exports have been approved in advance by the Ministry of Foreign Affairs of the Republic:
 - (a) arms and related material which concerns supplies and technical assistance intended solely for the support of or use by the United Nations Disengagement Observer Force (UNDOF);

¹ published in the Official Gazette of the Republic No. 4526, Supplement III (I), dated 21.10.2011.



- (b) non-lethal military equipment or of equipment which might be used for internal repression, intended solely for humanitarian or protective use, or for institution building programs of the United Nations (UN) and the European Union, or for European Union and UN crisis management operations;
 - (c) non-combat vehicles which have been manufactured or fitted with materials to provide ballistic protection, intended solely for the protective use of personnel of the European Union and its Member States in Syria;
- 4. Moreover the prohibition of paragraph 2 above does not apply to the transportation by Cyprus ships of protective clothing, including flak jackets and military helmets, temporarily exported to Syria by UN personnel, personnel of the European Union or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.
- 5. In addition by way of derogation from the prohibition of paragraph 2(b) above the Ministry of Foreign Affairs of the Republic may authorise the transportation of equipment which might be used for internal repression, under such conditions as they deem appropriate, if they determine that such equipment is intended solely for humanitarian or protective use.
- 6. Your attention is drawn to the adoption of Regulation (EC) No. 950/2011 and Regulation (EC) No. 1011/2011 both amending Regulation 442/2011 as follows:
 - (a) Article 1 of Regulation (EC) No. 950/2011 provides that the direct or indirect transportation by Cyprus ships towards the Central Bank of Syria of new Syrian denominated banknotes and coinage, printed or minted in the European Union is prohibited.
 - (b) Article 4 of Regulation (EC) No. 1011/2011 amends Annex IV of Regulation (EC) No. 442/2011, i.e. the list of petroleum products as per the attached Appendix. Relevant is paragraph 2 of my Circular No. 33/2011 (dated 14.09.2011).
- 7. It is also recalled that Decision 2011/273/CFSP as well as Council Regulation (EC) No. 442/2011 were amended also by Decision 2011/522/CFSP and Regulations (EC) No. 878/2011 and 1011/2011 respectively. Paragraphs 2 and 3 of my previous Circular No. 33/2011 are relevant. As a result the transportation of crude oil or petroleum products if they originate in Syria or are being exported from Syria to any other country is prohibited. Amending Regulation (EC) No. 1011/2011 defines petroleum products as per the attached Annex.

It is furthermore provided that such prohibition shall not apply to the execution on or prior to 15 November 2011, of an obligation arising from a contract concluded before 2 September 2011 provided that the natural or legal person, entity or body seeking to perform the obligation concerned has notified at least 7 working days in advance, the activity or transaction to the Ministry of Foreign Affairs of the Republic.

8. A new prohibition Order to be issued under section 3 of the Cyprus Ships (Prohibition of Transportation) Laws 1966-1971, reflecting the recent amendments under paragraphs 6 and 7 above is currently under preparation.
9. All recipients of the present Circular are invited to take note of its content and should strictly abide by the provisions of Order P.I. 426/2011 as well as by the provisions of Regulation (EC) No. 442/2011 as amended and Decision 2011/273/CFSP as amended.
10. The text of the aforementioned European Union instruments may be found on <http://eur-lex.europa.eu>.

This Circular must be placed on board vessels flying the Cyprus flag.



Serghios S. Serghiou
Director
Department of Merchant Shipping

- Cc:**
- Permanent Secretary, Ministry of Communications and Works
 - 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
 - Attorney General of the Republic
 - General Manager, Cyprus Ports Authority
 - Director, Department of Customs and Excise
 - Commander, Cyprus Port and Marine Police
 - Maritime Offices of the Department of Merchant Shipping abroad
 - Cyprus Shipping Chamber
 - Cyprus Union of Shipowners
 - Cyprus Shipping Association
 - Cyprus Bar Association

ANNEX

List of Petroleum Products and HS Code ²

HS Code	Description
2709 00	Petroleum oils and oils obtained from bituminous minerals, crude.
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations; waste oils (save that the purchase, in Syria, of kerosene jet fuel of CN code 2710 19 21 is not prohibited provided that it is intended and used solely for the purpose of the continuation of the flight operation of the aircraft into which it is loaded).
2712	Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured.
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals.
2714	Bitumen and asphalt, natural; bituminous or oil-shale and tar sands; asphaltites and asphaltic rocks.
2715 00 00	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs). ⁷

² Annex IV of EU Council Regulation 442/2011 as amended.