



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 14/2012

12 March 2012

TEN 5.13.09
TEN 12.3.02.24

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

All Owners, Managers and Representatives of Ships under a foreign flag calling
Cyprus ports (*c/o Cyprus Shipping Association*)

Subject: The Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Order of 2012- Transposition of Directive 2011/15/EC amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system

I refer to the above matter and wish to inform you of the issuing, by the Minister of Communications and Works, of the *Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Order of 2012* (P.I. 75/2012, Official Gazette No.4552, Supplement III (I), dated 02.03.2012, hereinafter “the Order”). The Order has been issued under section 35¹ of the Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Laws of 2004 and 2010² (“the Laws”). The Order transposes the European Union Directive 2011/15/EC amending Directive 2002/59/EC and it enters into force on 16 March 2012.

2. The Order substitutes the Second Schedule of the Laws titled “Mandatory On-Board Equipment” reflecting new Annex II introduced by virtue of Article 1.2. of Directive 2011/15/EC.

The Order further substitutes the Fourth Schedule of the Laws titled “Measures that the Committee on Places of Refuge-Safety may take to Ensure Maritime Safety, Safety of Life and the Protection of the Environment” reflecting new Annex IV introduced by virtue of Article 1.3. of Directive 2011/15/EC.

— New Annexes II and IV of Directive 2011/15/EC are attached for your ease of reference.

¹ section 35 provides for the amendment of the Schedules of the Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Laws of 2004 and 2010 by virtue of an Order of the Minister of Communications and Works,

² Law 131(I)/2004 as amended by Law 98(I)/2010 transposing respectively Directive 2002/59/EC and its amending Directive 2009/17/EC.



3. Directive 2011/15/EC refers to the revocation and replacement of Resolution MSC.150(77)³ of the International Maritime Organization (IMO) by IMO Resolution MSC.286(86)⁴ and it provides for the substitution of the reference to Resolution MSC.150(77) in article 12(1)(b) of the underlying Directive (Directive 2002/59/EC as amended).

Reference to Resolution MSC.150(77) is found in section 2 and section 14(1)(aa)(ii) of the relevant national transposition Laws (Law 131(I)/2004 as amended). In defining Resolution MSC.150(77) it provides that it shall mean said Resolution **in its updated version.** IMO Resolution MSC.286(86) constitutes the updated version of MSC.150(77) for the purposes of section 2 and section 14(1)(aa)(ii) of Law 131(I)/2004 as amended (therefore the national transposition Laws need not be amended).

The text of IMO Resolution MSC. 286(86) is attached for your perusal.

4. On the occasion of this Circular, please note that a translated into English text of the *Community Vessel Traffic Monitoring and Information System (Designation of Contact Details) Notification of 2010*⁵ has been made available on our website (selecting Legislation/ Consolidated Cyprus Shipping Legislation/National Instruments).

5. The Owners, Managers and Representatives of ships flying the Cyprus flag and of ships of all flags within the territory of Cyprus, are advised to abide by the provisions of Order P.I. 75/2012 and of Directive 2011/15/EC.



Serghios S. Serghiou
Director
Department of Merchant Shipping

Cc: -Permanent Secretary, Ministry of Communications and Works
- Attorney General of the Republic
- Maritime Offices of the Department of Merchant Shipping abroad
-General Manager, Cyprus Ports Authority
- Permanent Secretary, Planning Bureau
- Permanent Secretary, Ministry of Foreign Affairs
- Director, Department of Fisheries and Marine Research
- Diplomatic Missions and Honorary Consular Officers of the Republic
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Cyprus Bar Association

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³ IMO Resolution adopted by the Assembly at its seventy seventh session on 2nd June 2003, titled "Recommendation for Material Safety Data Sheets for MARPOL Convention Annex I cargoes and marine fuel oils.

⁴ IMO Resolution adopted by the Assembly at its eighty sixth session on 5 June 2009 , titled "Recommendation for Material Safety Data Sheets for MARPOL Convention Annex I oil cargo and fuel oil.

⁵ P.I. 476/2010, Gazette No. 4463, Supplement III (I), dated 26.11.2010.



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ANNEX II⁶

Requirements applicable to on-board equipment

I. FISHING VESSELS

Fishing vessels with a length of more than 15 metres overall shall be fitted with an automatic identification system (AIS) as provided for in Article 6a according to the following timetable:

- fishing vessels of overall length 24 metres and upwards but less than 45 metres: not later than 31 May 2012,
- fishing vessels of overall length 18 metres and upwards but less than 24 metres: not later than 31 May 2013,
- fishing vessels of overall length exceeding 15 metres but less than 18 metres: not later than 31 May 2014,
- new-built fishing vessels of overall length exceeding 15 metres are subject to the carrying requirement laid down in Article 6a as from 30 November 2010.

II. SHIPS ENGAGED ON INTERNATIONAL VOYAGES

Passenger ships, irrespective of size, and all ships, other than passenger ships, of 300 gross tonnage and upwards engaged on international voyages, which call at a port of a Member State shall be fitted with an automatic identification system (AIS) in accordance with the technical and performance standards laid down in Chapter V of SOLAS. Passenger ships, irrespective of size, and all ships other than passenger ships, of 3000 gross tonnage and upwards engaged on international voyages, which call at a port of a Member State shall be fitted with a voyage data recorder (VDR) in accordance with the technical and performance standards laid down in Chapter V of SOLAS. In case of cargo ships constructed before 1 July 2002 the VDR may be a simplified voyage data recorder (S-VDR), which shall comply with the technical and performance standards developed in accordance with Chapter V of SOLAS.

III. SHIPS ENGAGED ON NON-INTERNATIONAL VOYAGES

1. Automatic identification systems (AIS)

Passenger ships, irrespective of size, and all other ships of 300 gross tonnage and upwards engaged on a non-international voyage shall be fitted with an automatic

⁶ Official Journal of the European Union of 24.02.2011, L. 49, page 35.



identification system (AIS) which complies with the technical and performance standards laid down in Chapter V of SOLAS.

2. Voyage data recorder (VDR) systems

(a) Passenger ships, irrespective of size, and ships other than passenger ships, of 3000 gross tonnage and upwards and constructed on or after 1 July 2002 engaged on a non-international voyage shall be fitted with a voyage data recorder (VDR) which complies with the technical and performance standards developed in accordance with Chapter V of SOLAS.

(b) Cargo ships of 3000 gross tonnage and upwards constructed before 1 July 2002 engaged on a non-international voyage shall be fitted with a voyage data recorder (VDR) or with a simplified voyage data recorder (S-VDR) which complies with the technical and performance standards developed in accordance with Chapter V of SOLAS.

IV. EXEMPTIONS

1. Exemptions from the requirement to carry AIS on board

(a) Member States may exempt passenger ships below 15 metres in length or 300 gross tonnage engaged on non-international voyages from the application of the requirements concerning AIS laid down in this Annex.

(b) Member States may exempt ships, other than passenger ships, of 300 gross tonnage and upwards but less than 500 gross tonnage sailing exclusively within the internal waters of a Member State and outside routes normally used by other ships fitted with AIS, from the carriage requirements for AIS laid down in this Annex.

2. Exemptions from the requirement to carry a VDR or S-VDR on board

Member States may grant exemptions from the requirement to be fitted with a VDR or an S-VDR as follows:

(a) Passenger ships only on voyages in sea areas other than those covered by Class A, as referred to in Article 4 of Directive 2009/45/EC of the European Parliament and of the Council [1], may be exempted from the requirement to be fitted with a VDR.

(b) Ships, other than ro-ro passenger ships, constructed before 1 July 2002 may be exempted from the requirement to be fitted with a VDR where it can be demonstrated that interfacing a VDR with the existing equipment on the ship is unreasonable and impracticable.

(c) Cargo ships constructed before 1 July 2002, engaged on international or non-international voyages, may be exempted from the requirement to be fitted with an S-VDR if such ships are to be taken permanently out of service within two years of the implementation date specified in Chapter V of SOLAS.

Measures available to Member States in the event of a threat to maritime safety and the protection of the environment

(pursuant to Article 19(1))

Where, following an incident or circumstance of the type described in Article 17 affecting a ship, the competent authority of the Member State concerned deems, within the framework of international law, that it is necessary to avert, lessen or remove a serious and imminent threat to its coastline or related interests, the safety of other ships and their crews and passengers or of persons on shore or to protect the marine environment, that authority may, in particular:

- (a) restrict the movement of the ship or direct it to follow a specific course. This requirement does not affect the master's responsibility for the safe handling of his ship;
- (b) give official notice to the master of the ship to put an end to the threat to the environment or maritime safety;
- (c) send an evaluation team aboard the ship to assess the degree of risk, help the master to remedy the situation and keep the competent coastal station informed thereof;
- (d) instruct the master to put in at a place of refuge in the event of imminent peril, or cause the ship to be piloted or towed.

In the case of a ship which is towed under a towage or salvage agreement, the measures taken by the competent authority of a Member State under points (a) and (d) may be also addressed to the assistance, salvage and towage companies involved."

ANNEX 12**RESOLUTION MSC.286(86)
(adopted on 5 June 2009)****RECOMMENDATIONS FOR MATERIAL SAFETY DATA SHEETS (MSDS)
FOR MARPOL ANNEX I OIL CARGO AND OIL FUEL**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO that, at its seventy-sixth session, it approved the Recommendation for the use of a standard format for the cargo information required by chapter 16 of the IBC Code,

RECALLING FURTHER that, at its seventy-seventh session, it adopted the Recommendation for material safety data sheets for MARPOL Annex I cargoes and marine fuel oils (MSC.150(77)),

NOTING that, at its eighty-third session, it adopted amendments to SOLAS regulation VI/5-1, by means of resolution MSC.239(83), making the provision of material safety data sheets (MSDS) mandatory prior to the loading of MARPOL Annex I type cargo in bulk and oil fuel,

RECOGNIZING the importance of providing seafarers with clear, concise and accurate information on the health and the environmental effects of toxic substances carried on board tankers,

RECOGNIZING ALSO the need to ensure a common understanding for an unambiguous implementation of SOLAS regulation VI/5-1,

HAVING CONSIDERED the recommendation made by the Sub-Committee on Bulk Liquids and Gases at its thirteenth session,

1. ADOPTS:

- .1 the Recommendations for material safety data sheets (MSDS) for marine use suitable to meet the particular needs of the marine industry containing safety, handling, and environmental information to be supplied to a ship prior to the loading of MARPOL Annex I type oil as cargo in bulk and the bunkering of oil fuel, as set out in Annex 1 to the present resolution; and
- .2 the Guidelines for the completion of MSDS for the MARPOL Annex I type oil as cargo in bulk and oil fuel, as set out in Annex 2 to the present resolution;

2. URGES Governments to ensure the supply and carriage of the material safety data sheets (MSDS) for MARPOL Annex I type oil as cargo in bulk and oil fuel, as from 1 July 2009;

3. FURTHER URGES Governments to direct their port State control officers to accept MSDS meeting the Recommendations adopted by this resolution as from 1 July 2009 in lieu of the Recommendations adopted by resolution MSC.150(77); and
4. REVOKES resolution MSC.150(77) as from 1 July 2009.

ANNEX 1

RECOMMENDATIONS FOR MATERIAL SAFETY DATA SHEETS (MSDS) FOR MARINE USE SUITABLE TO MEET THE PARTICULAR NEEDS OF THE MARINE INDUSTRY CONTAINING SAFETY, HANDLING, AND ENVIRONMENTAL INFORMATION TO BE SUPPLIED TO A SHIP PRIOR TO THE LOADING OF MARPOL ANNEX I TYPE OIL AS CARGO IN BULK AND THE BUNKERING OF OIL FUEL

Section	Heading	Content
1	Identification of the substance or mixture and of the supplier	<ul style="list-style-type: none"> Name of the category – see guidance in annex 2 for MARPOL Annex I type oil cargoes and oil fuels. The name of the substances. Trade name of the substances. Description on Bill of Lading (B/L), Bunker Delivery Note or other shipping document. Other means of identification. Supplier's details (including name, address, telephone number, etc.). Emergency telephone number.
2	Hazards identification	<ul style="list-style-type: none"> GHS* classification of the substance/mixture and any regional information. Other hazards which do not result in classification (e.g., hydrogen sulphide) or are not covered by the GHS. See Guidelines in annex 2.
3	Composition/information on ingredients	<ul style="list-style-type: none"> Common name, synonyms, etc. Impurities and stabilizing additives which are themselves classified and which contribute to the classification of the substances. The chemical identity and concentration or concentration ranges of all ingredients which are hazardous within the meaning of GHS and are present above their cut-off levels. Cut-off level for reproductive toxicity, carcinogenicity and category 1 mutagenicity is 0.1%. Cut-off level for all other hazard classes is 1%. See Guidelines in annex 2.
4	First aid measures	<ul style="list-style-type: none"> Description of necessary measures, subdivided according to the different routes of exposure, i.e. inhalation, skin and eye contact and ingestion. Most important symptoms/effects, acute and delayed. Indication of immediate medical attention and special treatment, if necessary.

* Globally Harmonized System of Classification and Labelling of Chemicals (GHS), United Nations (2007 edition, as revised).

Section	Heading	Content
5	Fire-fighting measures	<ul style="list-style-type: none"> • Suitable extinguishing media. • Specific hazards arising from the chemical (e.g., nature of any hazardous combustion products). • Special protective equipment and precautions for fire-fighters.
6	Accidental release measures	<ul style="list-style-type: none"> • Personal precautions, protective equipment and emergency procedures. • Environmental precautions. • Methods and materials for containment and clean-up.
7	Handling and storage	<ul style="list-style-type: none"> • Precautions for safe handling. • Conditions for safe storage, including any incompatibilities.
8	Exposure controls/ personal protection	<ul style="list-style-type: none"> • Control parameters (e.g., occupational exposure limit values). • Appropriate technical precautions. • Individual protection measures, such as personal protective equipment.
9	Physical and chemical properties	<ul style="list-style-type: none"> • See Guidelines in annex 2.
10	Stability and reactivity	<ul style="list-style-type: none"> • Chemical stability. • Possibility of hazardous reactions. • Conditions to avoid (e.g., static discharge).
11	Toxicological information	<ul style="list-style-type: none"> • Concise but complete and comprehensible description of the various toxicological (health) effects and the available data used to identify those effects, including: <ul style="list-style-type: none"> ○ Information on the likely routes of exposure (inhalation, ingestion, skin and eye contact); ○ Symptoms related to the physical, chemical and toxicological characteristics; ○ Delayed and immediate effects and also chronic effects from short- and long-term exposure. • Numerical measures of toxicity (such as acute toxicity estimates). • See Guidelines in annex 2.
12	Ecological information	<ul style="list-style-type: none"> • Ecotoxicity (aquatic and terrestrial, where available). • Persistence and degradability. • Bioaccumulation potential. • Mobility in soil. • Other adverse effects. • See Guidelines in annex 2.
13	Disposal considerations	<ul style="list-style-type: none"> • Description of waste residues and information on their safe handling and methods of disposal, in line with MARPOL requirements.

Section	Heading	Content
14	Transport information	<ul style="list-style-type: none">• UN number, where applicable.• UN Proper shipping name, where applicable.• Transport Hazard class(es), where applicable.• Special precautions which a user needs to be aware of or needs to comply with in connection with transport (e.g., heating and carriage temperatures).• Note that this product is being carried under the scope of MARPOL Annex I.
15	Regulatory information	<ul style="list-style-type: none">• Safety, health and environmental regulations specific for the product in question.
16	Other information including information on preparation and revision of the MSDS	<ul style="list-style-type: none">• Version No.• Date of issue.• Issuing source.

ANNEX 2

GUIDELINES FOR THE COMPLETION OF MSDS FOR THE MARPOL ANNEX I TYPE OIL AS CARGO IN BULK AND OIL FUEL

1 Categories of liquids

The following categories subdivide the full scope of substances covered by Annex I of MARPOL 73/78 and set in groups specific products for general identification purposes.

- .1 crude oils;
- .2 fuel and residual oils, including ship's bunkers*;
- .3 unfinished distillates, hydraulic oils and lubricating oils;
- .4 gas oils, including ship's bunkers**;
- .5 kerosenes;
- .6 naphthas and condensates;
- .7 gasoline blending stocks;
- .8 gasoline and spirits; and
- .9 asphalt solutions.

2 Properties and information

In addition to properties and information specified in annex 1, the following properties and information should be reported:

- .1 for the following provide appropriate hazards identification in section 2, composition/information on ingredients in section 3, and toxicological information in section 11 of the MSDS:
 - .1 Benzene – if present $\geq 0.1\%$ by weight (even if naturally occurring ingredient of the material);
 - .2 Hydrogen sulphide – if present at any concentration, in liquid and vapour phases, or if possible to accumulate in a tank's vapour space; and
 - .3 Total Sulphur – if present $\geq 0.5\%$ by weight, identify in section 3 and warn of potential for hydrogen sulphide evolution in sections 2 and 11;

* Refer to standard ISO 8217:2005, Petroleum products – Fuels (class F) – Specifications of marine fuels, table 2.

** Refer to standard ISO 8217:2005, Petroleum products – Fuels (class F) – Specifications of marine fuels, table 1.

- .2 for physical and chemical properties in section 9 of the MSDS:
 - .1 appearance (physical state, colour, etc.);
 - .2 odour;
 - .3 pour point;
 - .4 boiling range;
 - .5 flashpoint;
 - .6 upper/lower flammability or explosive limits;
 - .7 vapour pressure (Reid vapour pressure (RVP) when appropriate);
 - .8 vapour density;
 - .9 density;
 - .10 auto-ignition temperature; and
 - .11 kinematic viscosity; and
- .3 for ecological information in section 12 of the MSDS: Persistent or non-persistent oil as per the International Oil Pollution Compensation (IOPC) Fund definition* .

* International Oil Pollution Compensation (IOPC) Fund definition: “A non-persistent oil is oil, which, at the time of shipment, consists of hydrocarbon fractions, (a) at least 50% of which, by volume, distils at a temperature of 340°C (645°F) and (b) at least 95% of which, by volume, distils at a temperature of 370°C (700°F) when tested by the ASTM Method D-86/78 or any subsequent revision thereof”.