



REPUBLIC OF CYPRUS
MINISTRY OF TRANSPORT,
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 8/2016

30 March 2016

TEN 5.13.09
TEN 4.3.08.14

To all Registered owners, Registered bareboat charterers
Managers and Representatives of ships flying the Cyprus Flag

To all Owners, Managers and Representatives of ships under a foreign flag calling at
Cyprus ports

c/o Cyprus Shipping Chamber
c/o Cyprus Union of Shipowners
c/o Cyprus Shipping Association

Subject: New UN and EU instruments concerning restrictive measures against members of the ISIL (Da'esh) and Al-Qaida organizations, and other individuals, groups, undertakings and entities associated with them

1. I refer to the above subject and further to DMS Circular No. 19/2012, I wish to inform you of the adoption of the following instruments concerning restrictive measures against members of ISIL (Da'esh) and Al-Qaida organizations, and other individuals, groups, undertakings and entities associated with them:
 - (i) **United Nations Security Council Resolution (UNSCR) 2253 (2015)** dated 17th December 2015;
 - (ii) **EU Council Decision (CFSP) 2016/368** of 14th March 2016 amending EU Council Common Position 2002/402/CFSP;
 - (iii) **Council Regulation (EU) 2016/363** of 14th March 2016 amending Regulation (EC) No. 881/2002.
2. In essence, the impact of the newly adopted instruments is the extension of the scope of application of restrictive measures to certain persons, groups, undertakings and entities associated with ISIL (Da'esh). Therefore, the afore mentioned instruments, National Prohibition Order P.I. 124/2012, by virtue of paragraph 4 (1) (b) thereof, and Circular No. 19/2012¹ as well as previously issued UNSCRs issued thereunder, should be deemed applicable to ISIL (Da'esh) as well.
3. It is recalled that under National Prohibition Order P.I. 124/2012, the transportation by Cyprus ships of arms and related materiel, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to the individuals, groups, undertakings and entities referred to in paragraph 4 below of this Circular, is prohibited.

¹ The *Cyprus Ships (Prohibition of Transportation of Arms and Related Materiel to members of the Al-Qaida organisation and other individuals, groups, undertakings and other entities associated with them) Order of 2012* ,published in the Official Gazette of the Republic No. 4556, Supplement III (I), dated 30.03.2012.



4. The prohibition as described in paragraph 3 above of this Circular, by virtue of Article 1 of EU Council Common Position 2002/402/CFSP (as specifically recently amended by **EU Council Decision (CFSP) 2016/368**) applies to members of the ISIL (Da'esh) and Al-Qaida organisations as well as individuals, groups, undertakings and entities:

(a) associated with members of ISIL (Da'esh) and Al-Qaida organisations including those:

(i) participating in the financing, planning, facilitating, preparing, or perpetrating acts or activities by, in conjunction with, under the name of, on behalf of, or in support of,

(ii) supplying, selling or transferring arms and related materiel to,

(iii) recruiting for or otherwise supporting acts or activities of,

Al-Qaida, ISIL (Da'esh) or any cell, affiliate, splinter group or derivative thereof;

(b) owned or controlled, directly or indirectly, by, or otherwise supporting, any individual, group, undertaking or entity associated with Al-Qaida or ISIL (Da'esh);

as referred to in the list drawn up pursuant to UNSCR 1267 (1999), 1333 (2000) and 2253 (2015) to be updated regularly by the Committee established pursuant to UNSCR 1267 (1999) which may be found at

https://www.un.org/sc/suborg/en/sanctions/1267/aq_sanctions_list

5. Your attention is drawn to the adoption of **EU Council Decision (CFSP) 2016/368** and **Council Regulation (EU) 2016/363** in the Cyprus legal order under paragraph 4 (1) (b) of Prohibition Order P.I. 124/2012. It is noted that paragraph 4 of Order P.I. 124/2012 extends the prohibition of transportation by Cyprus ships to arms and related materiel, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned in contravention of EU Common Position 2002/402/CFSP as amended by EU Council Decision 2011/487/CFSP and of any related Regulations or other instruments of the European Union adopted towards the implementation, amendment or replacement of the said Decision.

6. In addition to the above, it is worth mentioning further matters sought to be dealt with, by virtue of UNSCR 2253 (2015), despite the arms embargo. Amongst the most relevant matters, Member States, in cooperation with the public and private sector, are called upon to take action in relation to the following:

(i) exercise vigilance over relevant transactions and improve information-sharing capabilities and practices;

(ii) promote awareness of the ISIL (Da'esh) & Al – Qaida Sanctions List and urge respective company, property and other relevant public and private registries to screens available databases against such List;

(iii) ensure that no economic resources are made available to ISIL (Da'esh), Al – Qaida and associated individuals, groups, undertaking and entities, including trading in oil and refined oil products, modular refineries and related material including chemicals and lubricants and other natural resources;

- (iv) ensure that no donations to individuals and entities designated by the Committee or those acting on their behalf, take place;
- (v) promote enhanced vigilance by nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction involved in the production, sale, supply, purchase, transfer and storage of all types of explosives, whether military, civilian or improvised explosives, as well as to raw materials and components that can be used to manufacture improvised explosive devices or unconventional weapons, including, but not limited to, chemical components, detonators, detonating cord, or poisons.

7. The text of the aforementioned European Union instruments may be found on <http://eur-lex.europa.eu> whereas the text of United Nations Security Resolutions may be found on <http://www.un.org/Docs/sc/>.

A regularly updated list of all the European Union restrictive measures in force can be found at http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf

8. All recipients of the present Circular are invited to take note of its content and should strictly abide by the provisions of the aforementioned UN & EU Instruments, national Prohibition Order P.I. 124/2012, as well as Circular No. 19/2012.

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



Andreas I. Chrysostomou
Director
Department of Merchant Shipping

Cc: - Permanent Secretary, Ministry of Transport, Communications and Works

- Attorney General of the Republic
- 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
- Maritime Offices of the Department of Merchant Shipping abroad
- General Manager, Cyprus Ports Authority
- Director, Department of Customs and Excise
- Registrar of Companies
- Commander, Cyprus Marine Police
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Cyprus Shipping Association
- Cyprus Bar Association