

REPUBLIC



OF CYPRUS

**MINISTRY OF COMMUNICATIONS AND WORKS
DEPARTMENT OF MERCHANT SHIPPING
LEMESOS**

Circular No 1/2004

7 January 2004

To all Owners, Managers
and Representatives of
Ships registered in Cyprus

To all recognised Classification Societies
and Inspectors of Cyprus Ships

**Subject: Instructions to Recognised Organisations to enhance Flag State Control over
Safety Standards of Cyprus Ships**

Further to our circular 19/2002, having noted that the said circular has not been always properly enforced by all parties concerned, the Department of Merchant Shipping has decided to amend the relevant procedures as described in the attached document.

All owners, Managers and Masters of Cyprus flag vessels are urged to comply with the requirements of the new procedures.

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Director
Department of Merchant Shipping

cc Permanent Secretary, Ministry of Communications and Works
Permanent Secretary, Ministry of Foreign Affairs
Diplomatic and Consular Missions of the Republic
Honorary Consular Officers of the Republic

Cyprus Bar Association
Cyprus Shipping Association (Sea Rovers) Ltd
Cyprus Shipping Council
Union of Cypriot Shipowners

MS/CE DMS/MO Piraeus
MS/CHC DMS/MO London
MS/CG DMS/MO New York
CC DMS/MO Rotterdam
CC DMS/MO Hamburg

Encl.

The present circular should be kept on board vessels flying the Cyprus Flag.

INSTRUCTIONS OF THE DEPARTMENT OF MERCHANT SHIPPING TO ITS RECOGNISED ORGANISATIONS.

The present instructions aim at enhancing the control of the flag state over safety standards of Cyprus ships. These are additional instructions to our circular 19/2002. All terms used are as defined in international conventions for the implementation of which relevant authorizations have been given to Recognized Organizations.

1. Change of Flag Surveys

The provisions of circular 19/2002 apply

2. Surveys after Detention

2.1. Surveys after 1st Detention (as from 1st January 2004)

When a Cyprus flag ship is detained, the Company managing the ship or the Master of the ship are obliged to inform the Flag Administration and to call immediately the Recognized Organization (RO) to attend. The surveyor of the RO shall not limit the inspection to the deficiencies noted by Port State Control. Failure to comply will generate the following:

- An additional audit of the Company to the extent of an Initial audit, due to failure to comply with National requirements,
- Upon arrival at the next port of call, the vessel will be issued with a prohibition of sail until all required surveys are completed and an additional shipboard audit in accordance with section 5 is carried out.

2.1.1. If the date of the detention falls within the ± 3 month's window for statutory surveys, they shall be conducted before the ship sails. In the case of renewal surveys, they shall be conducted to the extent possible, except for safety equipment and radio, which shall be completed. A time schedule for the completion of surveys at the next convenient port shall be set and they shall not be delayed until the end of the window.

2.1.2. If the date of the detention does not fall within the ± 3 months' window the RO surveyor, after clearing the PSC deficiencies, will carry out a general examination of the vessel including the items listed in Annex 1 and will ask the questions listed in Annex 2. Then, using his professional judgement he will decide whether extra surveys are required.

2.1.3. In cases where the surveyor deems that a more thorough survey is needed, he will proceed as required for the change of flag when accompanied by a change of the Company (see item 1.4 of circular 19/2002). The RO shall send to the Department of Merchant Shipping copies of the reports of such cases.

2.2. Surveys after 2nd Detention (as from 1st January 2004)

When a Cyprus flag ship is detained twice within two years as from 1st January 2004 (irrespective of the detaining authority / MOU), in addition to the provisions of paragraph 2.1 the following will be applied:

- 2.2.1. Additional audit of the shore based SMS. The extent will be decided in cooperation with the RO taking into account the number and nature of the deficiencies.
- 2.2.2. Joint audit and inspection of the ship by Flag and the RO. All the expenses will be on owners' or managers' account. The extent of the audit will be in accordance with the provisions of section 5.

It is again emphasised that the Company managing the ship or the Master of the ship are obliged to inform the Flag Administration about the detention and to call immediately the Recognized Organization (RO) to attend.

2.3. Surveys after 3rd Detention (as from 1st January 2004)

When a Cyprus flag ship is detained three times within two years as from 1st January 2004(irrespective of the detaining authority / MOU), the following will be applied:

- 2.3.1. All statutory certificates will be suspended as from the date of the detention.
- 2.3.2. An Initial audit of the Company will be required
- 3. All statutory certificates will be reinstated provided that:
 - 3.1.1.1. The RO has carried out renewal surveys and there are no outstanding items or recommendations to the extent possible
 - 3.1.1.2. The RO has carried out a shipboard audit. The extent of the audit will be in accordance with the provisions of section 5.

3.2. Banned Ships

When a Cyprus flag ship is banned by a specific MOU the following will be applied:

- 3.2.1. All statutory certificates will be suspended as from the date of the detention.
- 3.2.2. An Initial audit of the Company will be required
- 3.2.3. All statutory certificates will be reinstated provided that:
 - 3.2.3.1. The RO has carried out renewal surveys and there are no outstanding items or recommendations to the extent possible
 - 3.2.3.2. The RO has carried out initial shipboard audit
 - 3.2.3.3. The PSC authority which has banned the vessel has re-inspected it and the ban has been lifted.

3.3. Furthermore, if a ship is detained for a fourth time within two years as from 1st January 2004(irrespective of the detaining authority / MOU), or if the ship is banned for a second time by a specific MOU, then the following will be applied:

- 3.3.1. **The vessel will be deleted from the Cyprus Registry**
- 3.3.2. **The DoC of the Company issued on behalf of the Republic will be re-examined**

3.4. It should be noted also that, whenever a ship is detained, all Inspectors of Cyprus ships will be notified, to consider the vessel in question as priority 1 for inspection upon arrival to their area of responsibility.

4. Surveys after PSC inspection with deficiencies identified, which did not warrant detention

- 4.1. The RO should inform the Department of such cases which are brought to their attention by PSC authorities. The Department will decide whether the case warrants further investigation. On the basis of the results of this investigation, the Department in consultation with the RO will decide on any future action. **However it is still the Company's or the Master's obligation to inform the Flag Administration. Failure to do so might lead to an additional shore based audit.**

5. Outstanding Recommendations

5.1. In case a ship is burdened with recommendations imposed either by the Department of Merchant Shipping or PSC, these shall be communicated to the RO classing the ship and the latter shall ensure that they have been rectified according to the set schedule. Otherwise the RO shall contact the Department for a decision on the action to be taken.

6. ISM

The provisions of circular 19/2002 apply

7. Postponement of Special Surveys

The provisions of circular 19/2002 apply