



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 23/2011

4th July 2011

TEN 5.13.09
TEN 4.2.08.1.01.85

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

Subject: - **COMMISSION DIRECTIVE 2010/36/EU of 1 June 2010 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships.**
- **The Merchant Shipping (Safety Rules and Standards for passenger ships) Order of 2011.**

1. I refer to the above subject and wish to inform you of the recent European Union legislative developments relating to the safety rules and standards for passenger ships which the Republic of Cyprus, as a result of its EU obligations, shall need to comply with by transposing the relevant legal instruments into national law.
2. As already known, safety rules and standards relating to passenger ships are at present regulated by Directive 2009/45/EC¹ which is a recasting of Directive 98/18/EC². Subsequently, due to this recasting, the harmonising Merchant Shipping (Safety and Standards for Passenger Ships) Laws of 2002-2004 (Law 58 (I)/2002 as amended by Law 47(I)/2004 collectively hereinafter referred to as "the Harmonisation Law"), which originally transposed into national law Directive 98/18/EC, they now de facto reflect the provisions of Directive 2009/45/EC.
3. Directive 2010/36/EU, which purports to amend Directive 2009/45/EC, introduces new and overriding Annexes and amendments due to the changes made to the relevant IMO international instruments, mainly to the High Speed Craft Code. It is recalled that both the 1994 and 2000 High Speed Craft Code (adopted by Resolution MSC 36(63) and Resolution MSC 97(73) respectively) are part of the Cyprus Legal Order since 2006, by virtue of the Council of Ministers' Decision P.I. 274/2006 issued pursuant to section 4 of the Convention on the International Maritime Organization (Ratification) and for Matters Connected Therewith Laws of 1973-1996³.

Directive 2010/36/EU must be transposed by the EU Member States by the 29th June 2011.

¹ of the European Parliament and of the Council of 6th May 2009·

² of the Council of 17th March 1998·

³ P.I. 274/2006 published in the Official Gazette of the Republic No. 4115, Supplement III (I), dated 30.06.2006. Relevant is my DMS Circular No. 13/2006 dated 11.07.2006.



4. Due to the amendments introduced by Directive 2010/36/EU, the following provisions of the Harmonising Law must as from the 29th June 2011 be read with the following adaptations (the amendments are marked in bold characters):

I. Sections of the Harmonisation Law

- (i) Paragraph (b) of the definition “high speed passenger craft” of Section 2 of the Law shall be replaced by the following paragraph:

*“(b) their maximum speed, as defined in Regulation 1.4.30 of the 1994 High Speed Craft Code and **Regulation 1.4.37 of the 2000 High Speed Craft Code**, is less than 20 knots”;*

- (ii) the definition “High Speed Craft Code” of Section 2 of the Law shall be replaced as follows:

*““High Speed Craft Code” means the “International Code for Safety of High Speed Craft” contained in IMO Resolution MSC 36 (63) of 20 May 1994, **or the International Code for Safety of High-Speed Craft, 2000 (2000 HSC Code)**, contained in **IMO Resolution MSC.97(73) of December 2000**, in their up-to-date versions, the text of which is deposited with the Department of Merchant Shipping and which is publicly accessible”;*

- (iii) Section 4 (3) (iii) of the Law shall be replaced as follows:

*“(iii) vessels constructed in material other than steel or equivalent and not covered by the standards concerning High Speed Craft (Resolution MSC 36 (63) or **MSC.97 (73)**) or Dynamically Supported Craft (Resolution A.373 (X)) the text of which is deposited with the Department of Merchant Shipping and which is publicly accessible”;*

- (iv) Section 5 (3) of the Law shall be replaced as follows:

*“For high speed passenger craft the categories defined in Chapter 1 (1.4.10) and (1.4.11) of the High Speed Craft Code 1994, **or Chapter 1 (1.4.12) and (1.4.13) of the High Speed Craft Code 2000** shall apply.”;*

- (v) Section 7 (1) (c) of the Law shall be replaced as follows:

*“(c) the provisions for shipborne navigational equipment of Regulations **17, 18, 19, 20 and 21**, Chapter V of the 1974 SOLAS Convention, **in its up-to-date version**, shall apply.*

*Provided that shipborne navigational equipment, as listed in Part I of Annex A of the Merchant Shipping (Marine Equipment) Law of 2002 and complying with the provisions of the latter, is considered to be in conformity with the type approval requirements of **Regulation 18.1, Chapter V** of the SOLAS Convention.”;*

(vi) Section 7 (4) (a) shall be replaced as follows:

‘(a) High speed passenger craft constructed or subjected to repairs, alterations or modifications of a major character on or after 1 January 1996 shall comply with the requirements of Regulation X/2 and X/3 of the SOLAS Convention, unless

(i) their keel was laid or they were at a similar stage of construction not later than on the date of entry into force of this Law;

(ii) delivery and commissioning has taken place not later than on the date of entry into force of this Law; and

(iii) they fully comply with the requirements of the Code of Safety for Dynamically Supported Craft (DSC Code)”;

(vii) Section 9 (4) shall be replaced as follows:

“(4) The relevant procedures and guidelines for surveys for the Passenger Ship Safety Certificate specified in IMO Resolution A.997(25), as amended, “Survey guidelines under the harmonized system of survey and certification, 2007”, the text of which is deposited with the Department of Merchant Shipping which is publicly accessible, or procedures designed to achieve the same goal, shall be followed”.

A Bill titled “the Merchant Shipping (Safety and Standards for Passenger Ships) (Amendment) Law of 2011” which shall reflect in a formal legislative manner the above amendments is currently under preparation.

II. Annexes A, B and C of the Harmonisation Law

The newly introduced Annexes I, II, III of Directive 2010/36/EU, repealing Annexes A, B and C of the Harmonisation Law, have already been transposed into national law by virtue of the **Merchant Shipping (Safety and Standards for Passenger Ships) Order of 2011**⁴ of the Minister of Communication and Works issued pursuant to section 16 of the Harmonisation Law. The Order is effective as of the 29th June 2011.

I trust the above information to be of assistance and I urge all recipients of this Circular to abide by the provisions of Directive 2010/36/EU and relevant Order P.I. 247/2011.



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Director
Department of Merchant Shipping

Cc:

- Permanent Secretary, Ministry of Communications and Works
- Maritime Offices of the Department of Merchant Shipping abroad
- Permanent Secretary, Ministry of Foreign Affairs

⁴ P.I. 247/2011 published in the Official Gazette of the Republic No. 4502, Supplement III (I), dated 28.06.2011.

- Attorney General of the Republic
- Diplomatic Missions and Honorary Consular Officers of the Republic
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Cyprus Bar Association

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