



REPUBLIC OF CYPRUS  
MINISTRY OF  
COMMUNICATIONS AND WORKS

Circular No. 2/2015

TEN 5.13.09  
TEN 4.2.12.3.08



DEPARTMENT  
OF MERCHANT SHIPPING  
LEMESOS

7<sup>th</sup> January 2015

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

To all Owners, Managers, Representatives and Agents in Cyprus of Ships,  
irrespective of flag they are flying, calling at Cyprus ports

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

**Subject: - New EU Council Decision 2014/270/CFSP concerning restrictive measures against Somalia;**  
**- UN Security Council Resolutions 2182 (2014) and 2184 (2014).**

1. I refer to the above subject and further to DMS Circulars No. 12/2010, No. 19/2013 and No. 6/2014, I wish to inform you of the adoption by the United Nations and the European Union of the following instruments concerning restrictive measures against Somalia:
  - ***UN Security Council Resolutions (UNSCRs) 2182 (2014) dated 24<sup>th</sup> October 2014 and 2184 (2014) dated 12<sup>th</sup> November 2014;***
  - ***EU Council Decision 2014/270/CFSP dated 12<sup>th</sup> May 2014 amending EU Council Decision 2010/231/CFSP.***
2. The impact of ***UNSCR 2184 (2014)*** and ***EU Council Decision 2014/270/CFSP*** is an amendment to the list of exemptions to the general prohibition of transportation by Cyprus ships of arms and related material. As a result the prohibition of transportation of arms and related materiel shall not apply to the transportation of:
  - (a) arms and related material of all types intended solely for the support of or use by United Nations personnel, including the United Nations Assistance Mission in Somalia (UNSOM);
  - (b) arms and related material of all types intended solely for the support of or use by the African Union Mission in Somalia (AMISOM);
  - (c) arms and related material of all types intended solely for the support of, or use by, AMISOM's strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent AU

strategic concepts), and in cooperation and coordination with AMISOM;

- (d) arms and related material of all types intended solely for the support of or use by the European Union Training Mission (EUTM) in Somalia;
- (e) arms and related material of all types intended solely for the use of Member States or international, regional and subregional organisations undertaking measures to suppress acts of piracy and armed robbery at sea off the coast of Somalia, upon the request of the Federal Government of Somalia for which it has notified the Secretary-General and provided that any measures undertaken shall be consistent with applicable international humanitarian and human rights law;
- (f) arms and related material of all types intended solely for the development of the Security Forces of the Federal Government of Somalia, to provide security for the Somali people, except in relation to deliveries of the items set out in Annex II of EU Council Decision 2010/231/CFSP as amended, if a notification to the Sanctions Committee has been made as set out in paragraph 4 of Article 1 of EU Council Decision 2010/231/CFSP as amended;
- (g) arms and related material of all types set out in Annex II of EU Council Decision 2010/231/CFSP as amended, to the Federal Government of Somalia as approved in advance by the Sanctions Committee on a case-by-case basis, as set out in paragraph 4a of Article 1 of EU Council Decision 2010/231/CFSP, as amended;
- (h) protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only;
- (i) non-lethal military equipment intended solely for humanitarian or protective use, notified to the Sanctions Committee five days in advance, and for its information only, by the supplying State, international, regional or subregional organisation;
- (j) arms and related material of all types intended solely for the purposes of helping develop Somali security sector institutions, in the absence of a negative decision by the Sanctions Committee within five working days of receiving a notification of any such assistance from the supplying Member State, international, regional or subregional organisation.

3. In addition to the above, it is worth quoting the following provisions of UNSCR 2182 (2014) by virtue of which the UN Security Council authorises Member States to inspect vessels in Somali territorial waters and on the high seas of the coast of Somalia as well as seize and dispose cargo:

*“15. Authorizes for a period of 12 months from the date of this resolution Member States, acting nationally or through voluntary multinational naval partnerships, such as “Combined Maritime Forces”, in cooperation with the FGS and which the FGS has notified to the Secretary-General and which the Secretary-General has subsequently*

*notified to all Member States, in order to ensure strict implementation of the arms embargo on Somalia and the charcoal ban, to inspect, without undue delay, in Somali territorial waters and on the high seas off the coast of Somalia extending to and including the Arabian sea and Persian Gulf, vessels bound to or from Somalia which they have reasonable grounds to believe are:*

*(i) Carrying charcoal from Somalia in violation of the charcoal ban;*

*(ii) carrying weapons or military equipment to Somalia, directly or indirectly, in violation of the arms embargo on Somalia;*

*(iii) carrying weapons or military equipment to individuals or entities designated by the Committee established pursuant to resolution 751 (1992) and 1907 (2009);*

*16. Calls upon all Flag States of such vessels to cooperate with such inspections, requests Member States to make good-faith efforts to first seek the consent of the vessel's Flag State prior to any inspections pursuant to paragraph 15, authorizes Member States conducting inspections pursuant to paragraph 15 to use all necessary measures commensurate with the circumstances to carry out such inspections and in full compliance with international humanitarian law and international human rights law, as may be applicable, and urges Member States conducting such inspections to do so without causing undue delay to or undue interference with the exercise of the right of innocent passage or freedom of navigation;*

*17. Authorizes Member States to seize and dispose of (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) any items identified in inspections pursuant to paragraph 15, the delivery, import or export of which is prohibited by the arms embargo on Somalia or the charcoal ban, authorizes Member States to collect evidence directly related to the carriage of such items in the course of such inspections, and decides that charcoal seized in accordance with this paragraph may be disposed of through resale which shall be monitored by the SEMG;”.*

4. 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](http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf)

5. 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.

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



Andreas I. Chrysostomou  
Acting Director  
Department of Merchant Shipping

**Cc: - Permanent Secretary, Ministry of 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

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