



REPUBLIC OF CYPRUS
**MINISTRY OF
COMMUNICATIONS AND WORKS**



**DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS**

Circular No 4/2008

19 March 2008

TEN 5.13.09
TEN 12.3.02.32

To all Owners, Managers
and Representatives of Ships
under the Cyprus Flag

**Subject: Codification and Updating of the current procedure of issuing Civil Liability
Certificates (CLC Certificates)-Notification P.I. 92/2008**

I wish to refer to the above subject and to inform you of the adoption of Notification P.I. 92/2008 which was published in the Official Gazette of the Republic of Cyprus No. 4264, dated 7.3.2008, Supplement III(I). This Notification purports to codify and update the current procedure pertaining to the issuance of the CLC Certificates and was adopted pursuant to section 6(5) of the International Convention on Civil Liability for Oil Pollution Damage of 1969 and of its Protocols of 1976 and 1992 (Ratification) and for Matters Connected Therewith Laws of 1989 to 2005.

A translated into English text of Notification P.I. 92/2008 is available on the Department's website at <http://www.shipping.gov.cy> (selecting Legislation/Consolidated Cyprus Shipping Legislation/International Instruments). The Owners, Managers and Representatives of ships flying the Cyprus flag are advised to abide by the said Notification which repeals and substitutes all Circulars issued to date with regard to the issuance of CLC Certificates (Circular dated 3.12.92, No. 2/95 dated. 9.01.95, No. 14/97 dated 3.06.97 and No. 14/98 dated 29.06.98).

Serghios S. Serghiou
Director
Department of Merchant Shipping

Cc: -Permanent Secretary, Ministry of Communications and Works
- Maritime Offices of the Department of Merchant Shipping abroad
- Attorney General of the Republic
- Governor, Central Bank of Cyprus
- Permanent Secretary, Ministry of Finance

- Permanent Secretary, Planning Bureau
- Permanent Secretary, Ministry of Foreign Affairs
- Diplomatic Missions and Honorary Consular Officers of the Republic
- Registrar of Companies
- Cyprus Shipping Council
- Cyprus Union of Shipowners
- PEO Trade Union
- SEK Trade Union
- Cyprus Bar Association
- Cyprus Association of Chartered Accountants

LMK

THE 1992 INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE NOTIFICATION OF 2008 (P.I 92 / 2008) ¹

Notification by virtue of section 6(5) of the International Convention on Civil Liability for Oil Pollution Damage of 1969 and of its Protocols of 1976 and 1992 (Ratification) and for Matters Connected Therewith Laws of 1989 to 2005

63 of 1989
185 of 1991
14(III) of 1997
47(III) of 2005.

The Director of the Department of Merchant Shipping of the Ministry of Communications and Works, exercising the powers vested upon him under subsection (5) of section 6 of the International Convention on Civil Liability for Oil Pollution Damage of 1969 and of its Protocols of 1976 and 1992 (Ratification) and for Matters Connected Therewith Laws of 1989 to 2005, issues the following Notification:

Short
title.

1. This Notification shall be cited as the 1992 International Convention on Civil Liability for Oil Pollution Damage Notification of 2008.

Interpretation.

2.—(1) In this Notification—

“CLC Certificate” means the required Certificate under Article VII of the Convention;

“Director” means the Director of the Department of Merchant Shipping of the Ministry of Communications and Works and includes any officer of the Department of Merchant Shipping properly authorised by the Director for this purpose;

“Evidence (Blue Card)” means a Certificate furnished as Evidence of Insurance pursuant to Article VII of the Convention;

63 of 1989
185 of 1991
14(III) of 1997
47(III) of 2005.

“Law” means the International Convention on Civil Liability for Oil Pollution Damage of 1969 and of its Protocols of 1976 and 1992 (Ratification) and for Matters Connected Therewith Laws of

¹ Editorial Note : Published in the Greek language in the Official Gazette of the Republic of Cyprus No. 4264, dated 7.3.2008, Suppl III(I) . This is an “**unofficial**” translation into English prepared by the Department of Merchant Shipping and does not intend to replace any translation prepared by the Law Commissioner’s Office.

According to Article 3 of the Constitution of the Republic of Cyprus, the official languages of the Republic of Cyprus are Greek and Turkish and therefore the present translation into English is **not the authentic version. The authentic and therefore legally binding version, is the Greek version of this Notification.**

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1989 to 2005;

“ship” means a ship falling within the provisions of the Convention and registered with the Register of Cyprus Ships (RCS) under the Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2005, including any ship registered in parallel with the RCS pursuant to section 23C thereof.

45 of 1963
32 of 1965
82 of 1968
62 of 1973
102 of 1973
42 of 1979
25 of 1980
14 of 1982
57 of 1986
64 of 1987
28(I) of 1995
37(I) of 1996
138(I) of 2003
169(I) of 2004
108(I) of 2005.

Provided that for the purposes of issuing CLC Certificates to ships flying the flag of States which are not Contracting States to the Convention in accordance with Article VII(2) of the Convention, ship shall also mean a foreign ship.

) (2) Terms contained in this Notification and not otherwise defined herein shall have the meaning attributed to such terms in the Law or the Convention.

*Submission of
Application
with the Director.*

3. —(1) For the purposes of issuing CLC Certificates an Application is submitted in due time with the Director. The Application is filed either by the Legal Representative of the Shipowner, or by an empowered Director of the Shipowning Company, or by an empowered Director of the Shipmanagement Company or by the Bareboat Charterer.

Annex A.

(2) When the financial security provided is an Evidence (Blue Card), the Application shall be made in the form illustrated in **Annex A** to this Notification.

(3) The Application shall be accompanied by an evidence of maintaining in force an insurance or other financial security for oil pollution damage in accordance with the provisions of Article VII of the Convention on which the following particulars shall be correctly mentioned—

- (a) name of ship;
- (b) Call Sign of the ship;
- (c) IMO Number of the ship.

- (d) Limassol as the port of registration;
- (e) name and address of the registered shipowner;
- (f) name and address of the bareboat charterer, if applicable;
- (g) name and address of the insurer or other person giving security;
- (h) type of insurance or other financial security;
- (i) period of validity of insurance or other financial security.

Provided that the particulars of the ship shall precisely correspond to the particulars mentioned in the Certificate of Registration of the ship.

(4) Upon the submission of the Application, the relevant fee provided under the Merchant Shipping (Fees and Taxing Provisions) Laws of 1992 to 2007, as amended, shall be paid.

*38(I) of 1992
29(I) of 1995
63(I) of 1999
73(I) of 1999
12(I) of 2003
166(I) of 2004
73(I) of 2007.*

(5) The Director may examine Applications submitted by fax or electronic mail for the purposes of carrying out preparatory work for the issuing of CLC Certificates.

(6) In the case of a ship registered in parallel with the Register of Cyprus Ships (RCS) by virtue of section 23C of the Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2005, the registered owner and not the bareboat charterer shall be mentioned as the insured both on the Evidence (Blue Card) and on the CLC Certificate.

(7) Cyprus ships registered in parallel with a foreign register of ships in accordance with the provisions of section 23N of the Merchant Shipping (Registration of Ships, Sales and Mortgages) Laws of 1963 to 2005, shall apply for the issuing of a CLC Certificate to the competent authorities of the State the flag of which such ships fly.

*Protection and Indemnity
Clubs-International
Group.*

4. —(1) When the Evidence (Blue Card) furnished with respect to a ship originates from a Protection and Indemnity Club (P&I Club) which is a member of the International Group of P&I Clubs (hereinafter “the International Group”), no further checks are carried out regarding the financial strength of such a P&I Club and it is assumed that the insurance is sufficient. An Indicative Table of the P&I Clubs which are members to the International Group of

Annex B.

P&I Clubs is attached as **Annex B** to this Notification.

(2) When the Evidence (Blue Card) furnished with respect to a ship originates from a P&I Club which is not a member of the International Group then further checks are carried out in order to ascertain the financial strength of such a P&I Club and to this end, the following are submitted with the Director:

- (a) Declaration regarding the re-insurers of the P&I Club providing the insurance so that the financial strength of the P&I Club may be ascertained;
- (b) Declaration by the P&I Club providing the insurance with respect to acceptance of its insurance offered to oil tankers by other flag States, with a particular reference to the name of each State and the number of ships per State;
- (c) The ability of the P&I Club providing the insurance to cover, including its ability to cover the amounts of re-insurance;
- (d) Information regarding the evaluation of the P&I Club providing the insurance by independent recognised organisations (like, for example, Standard and Poor's).

(3) Provided that, in the context of carrying out the check mentioned in paragraph (2), the Director may request the submission of additional information as he may deem necessary.

(4) In the event where the Director is not satisfied regarding the financial strength of the P&I Club providing the insurance and which is not a member of the International Group, the Director rejects the relevant Application for the issue of a CLC Certificate.

*Release of original
CLC Certificate.*

5. —(1) The original CLC Certificate is issued and released provided that—

(a) the Director is satisfied that the required evidence of maintaining in force an insurance or other financial security is the original, sufficient for the purposes of the Convention and that it contains a correct reference to the particulars required under this Notification; and

(b) the relevant fee provided under the Merchant Shipping (Fees and Taxing Provisions) Laws of 1992 to 2007, as amended, has been paid.

*38 (I) of 1992
29(I) of 1995
63(I) of 1999*

73(I) of 1999
12(I) of 2003
166(I) of 2004
73(I) of 2007.

Provided that, in the cases where the Evidence (Blue Card) regarding a ship is not granted by a P&I Club in a original hardcopy but only in an electronic form, then the Director grants the original CLC Certificate if he may confirm the validity of the Evidence (Blue Card) with the P&I Club which has issued such Evidence (Blue Card).

(2) In the event where the Director detects any mistaken references in the Evidence (Blue Card), he may provisionally grant a copy of the CLC Certificate provided that—

- (i) Such mistaken references are not crucial and do not jeopardise the validity of the Evidence (Blue Card);
- (ii) The submission of a corrected Evidence (Blue Card) is undertaken before the elapse of fifteen (15) days from the granting of the copy of the CLC Certificate.

(3) Provided that the conditions laid down in sub-paragraphs 1(a) and 1(b) of this paragraph are met, in the event where a copy of an Evidence (Blue Card) is submitted, the Director may, if so requested, grant a copy of the CLC Certificate until the original Evidence (Blue Card) is submitted.

(4) If so requested and provided that the respective conditions are met, the Director sends a confirmation in writing to the competent authorities of a State stipulating that—

- (i) the procedure for the issuing of a CLC Certificate with respect to a ship is under way; or
- (ii) a relevant CLC Certificate has been issued and released to the shipowners for placement on board the ship.

Return of the CLC Certificate to the Director.

6. —(1) Save the provisions of section 6 of the Law, in the event where there has been any change to the ownership of the ship, or the insurance has been terminated, the Director shall be informed forthwith and the CLC Certificate shall be returned within fifteen (15) days or shall be deposited with the nearest Diplomatic Mission or Honorary Consular Office of the Republic for onwards transmission to the Director.

(2) The Director shall also be informed forthwith if any changes, alterations or other reasons arise that may render invalid the evidence of maintaining in force an insurance or other financial security which has been submitted for the purpose of issuing a

CLC Certificate.

*Issuing of CLC
Certificates to
foreign ships.*

7. The procedure provided in this Notification applies, mutatis mutandis, to Applications submitted for the issuing of CLC Certificates to foreign ships under Article VII(2) of the Convention.

ANNEX A

(paragraph 3(2) of the Notification)

MODEL APPLICATION ON THE ISSUING OF A CLC CERTIFICATE

to be submitted, as the case may be, either by the Authorised Legal Representative of the shipowner/ or by an empowered Director of the Shipowning Company/ or by an empowered Director of the Shipmanagement Company/ or by the Bareboat Charterer

[Letterhead of the Applicant*]

[Date]

Director
Department of Merchant Shipping
Limassol

Dear Sir,

Subject: Issue of a Certificate of Insurance or other Financial Security in respect of Civil Liability For Oil Pollution Damage with regard to [Vessel's Name],[Call Sign], [RCS Number, if known]

1. We wish to refer to Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992 ratified by the Republic of Cyprus by Law 63 of 1989 as amended by Laws 14(III)/97 and 47 (III)/2005 (hereinafter “the Law”) and to request on behalf of [Enter Name of Company in whose ownership the vessel is registered] (hereinafter referred as the “Company”), the issue of a Certificate of Insurance or other Financial Security for Oil Pollution Damage (hereinafter referred to as the “Certificate”) in respect of the subject vessel duly registered under the Cyprus flag in the ownership of the said Company.
2. For this purpose we enclose herewith:
 - (a) Certificate Furnished as Evidence of Insurance Pursuant to Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1969, (hereinafter referred as “Evidence”) issued by [Enter the name of the Assurance Association issuing the certificate] on the [date of issue of the Evidence], attesting that there is in force in respect of the subject vessel a policy of insurance for the period between [Cover commencement date] and [Cover expiry date];

* To be printed on the official letterhead of the Applicant.

- (b) The amount of Euro 51,26 for the prescribed fee.
- 3. We have been instructed to declare on behalf of the said Company that it undertakes to immediately notify you in the event of any changes, alterations or other reasons whatsoever which may cancel, cause or constitute the Evidence null and void and that it further understands that the Certificate will cease to be valid as from the time the Evidence ceases to be in force. In such eventuality the Company undertakes to forthwith return to you the Certificate.

Furthermore the Company undertakes to return , within 15 days, the Certificate to you or deposit it with the nearest Diplomatic Mission or Honorary Consular Officer of the Republic of Cyprus, for onwards transmission to you, in case:

- (a) the subject vessel ceases to be registered in the ownership of the Company;
 - (b) the Certificate has been terminated.
- 4. We have been further instructed to declare that the Company has familiarized itself and has suitably instructed the Master and the crew of the vessel with the provisions of the Law and that it has noted that failure to comply with the provisions of the Law constitutes an offence punishable by an administrative fine of up to 8, 543 Euro.

Yours faithfully,

ANNEX B

(paragraph 4(1) of the Notification)

Indicative Table of Members to the International Group of P&I Clubs

(information verified with the official website of the International Group
www.igpandi.org)

- American Steamship Owners Mutual Protection and Indemnity Association, Inc
- Assuranceforeningen Gard
- Assuranceforeningen Skuld
- The Britannia Steam Ship Insurance Association Limited
- The Japan Ship Owners' Mutual Protection & Indemnity Association
- The London Steam-Ship Owners' Mutual Insurance Association Limited
- The North of England Protection & Indemnity Association
- The Shipowners' Mutual Protection & Indemnity Association (Luxembourg)
- The Standard Steamship Owners' Protection & Indemnity Association (Bermuda) Limited
- The Steamship Mutual Underwriting Association (Bermuda) Limited
- The Swedish Club
- United Kingdom Mutual Steam Ship Assurance Association (Bermuda) Limited
- The West of England Ship Owners Mutual Insurance Association (Luxembourg)

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