



REPUBLIC OF CYPRUS  
MINISTRY OF  
COMMUNICATIONS AND WORKS



DEPARTMENT  
OF MERCHANT SHIPPING  
LEMESOS

Circular No. 18/2011

18 May 2011

TEN 5.13.09  
TEN 4.2.12.3.06

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

**Subject: (1) The Cyprus Ships (Prohibition of Transportation of Arms, Related Materiel and Luxury Goods to the Democratic People's Republic of Korea) Order of 2011;**

**(2) EUROPEAN UNION COUNCIL DECISION 2010/800/CFSP concerning restrictive measures against the Democratic People's Republic of Korea and repealing Common Position 2006/795/CFSP;**

**(3) EUROPEAN UNION COUNCIL REGULATION (EC) 329/2007 as amended concerning restrictive measures against the Democratic People's Republic of Korea.**

1. I refer to the above subject and further to my previous Circular No. 27/2010 (dated 12.08.2010) regarding the issuing of P.I. 308/2010<sup>1</sup>, I wish to inform you that the Council of Ministers of the Republic of Cyprus in exercising its powers under section 3 of the Cyprus Ships (Prohibition of Transportation) Laws 1966-1971, issued the Cyprus Ships (Prohibition of Transportation of Arms, Related Materiel and Luxury Goods to the Democratic People's Republic of Korea) Order of 2011, P.I. 151/2011<sup>2</sup>, which implements European Union Council Decision 2010/800/CFSP<sup>3</sup> and Council Regulation (EC) 329/2007 as amended (collectively hereinafter referred to as "Instruments").
2. In implementing the aforementioned Instruments, Order P.I. 151/2011 repeals Orders P.I. 92/2007, P.I. 401/2009 and P.I. 308/2010. The relevant prohibitions and exceptions currently in force regarding the Democratic People's Republic of Korea (hereinafter referred to as "DPRK") are as follows:

<sup>1</sup> Published in the Official Gazette of the Republic No. 4439, Supplement III (I), dated 16.07.2010;

<sup>2</sup> published in the Official Gazette of the Republic No. 4490, Supplement III (I), dated 21.04.2011;

<sup>3</sup> Repealing the EU Council Common Position 2006/795/CFSP.



(a) The transportation, by Cyprus ships to and from the DPRK, of the following goods/items is prohibited:

- (i) arms and related materiel of all types, including weapons and ammunition, missiles or missile systems, large calibre artillery systems, military vehicles including tanks, craft, paramilitary equipment and spare parts for the aforementioned, with the exception of non-combat vehicles which have been manufactured or fitted with materials to provide ballistic protection, intended solely for protective use of personnel of the European Union and its Member States in the DPRK;*
- (ii) all items, materials, equipment, goods and technology as determined by the UN Security Council or the Committee in accordance UN Security Council Resolution 1718 (2006), which could contribute to the DPRK 's nuclear-related, ballistic missile-related or other weapons of mass destruction related programmes;*
- (iii) certain other items, materials, equipment, goods and technology which may contribute to the DPRK's nuclear and ballistic missile or other weapons of mass destruction programmes or which may contribute to its military operations, which include all dual use goods and technology listed in Annex I of Council Regulation (EC) 428/2009, as amended or replaced as well as in Annex Ia of Council Regulation (EC) 329/2007 as amended.*

(b) In addition, the transportation by Cyprus ships to the DPRK, of luxury goods which are set out in Annex III of Regulation (EC) 329/2007 as amended, is also prohibited.

In case a derogation, from the prohibitions set out in paragraph 2 (a)(i) and 2 (b) above, is deemed necessary, the concerned transferring party may submit a justified request to the Ministry of Foreign Affairs of the Republic of Cyprus. If the Ministry of Foreign Affairs deems that such derogation is justified, it shall present a request for a specific approval to the UN Security Council.

Moreover the Republic of Cyprus shall inform the other EU Member States and the Commission of any request for approval submitted to the UN Security Council pursuant to the above paragraph.

3. In addition to the above, the aforementioned instruments set out further obligations related to cargo information and inspection as well as further prohibitions relating to bunkering and other services. In particular:

(a) With respect to cargo information:

(i) the merchant vessels sailing to and from DPRK shall be required to submit pre-arrival or pre-departure information, for all goods brought into or out of the Union, to the competent authorities of the EU Member State concerned;

(ii) the merchant vessels sailing to and from DPRK, or their representatives, shall declare whether the goods are covered by these Instruments and, if their export is subject to authorisation, specify the particulars of the export licence granted.

(b) With respect to cargo inspection:

(i) the competent authorities of the EU Member States shall inspect, in accordance with their national laws and consistent with international law, all cargo to and from the DPRK in their territory, including their ports, if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under these Instruments;

(ii) the competent authorities of the EU Member States shall inspect vessels, with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items whose supply, sale, transfer or export is prohibited under these Instruments;

(iii) In cases where inspection referred to in paragraphs (b) (i) and (ii) is undertaken, the competent authorities of the EU Member States shall seize and dispose of items whose supply, sale, transfer or export is prohibited under these Instruments in accordance with paragraph 14 of UNSCR 1874 (2009).

(c) With respect to bunkering and other services:

The provision by nationals of the Republic of Cyprus or from the territory of the Republic of Cyprus of bunkering or ship supply services, or other servicing of vessels, to DPRK vessels shall be prohibited if they have information that provides reasonable grounds to believe that the vessels carry items whose supply, sale, transfer or export is prohibited under these Instruments unless provision of such services is necessary for humanitarian purposes or until the cargo has been inspected, and seized and disposed of if necessary, in accordance with paragraphs 3 (b) (i), (ii) and 3 (a) (i).

4. All recipients of the present Circular are invited to take note of its content and should strictly abide by the provisions of Order P.I. 151/2011.
5. 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/>.

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



Serghios S. Serghiou  
Director  
Department of Merchant Shipping

- Cc:**
- Permanent Secretary, Ministry of Communications and Works
  - 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
  - Attorney General of the Republic
  - General Manager, Cyprus Ports Authority
  - Director, Department of Customs and Excise
  - Commander, Cyprus Port and Marine Police
  - Maritime Offices of the Department of Merchant Shipping abroad
  - Cyprus Shipping Chamber
  - Cyprus Union of Shipowners
  - Cyprus Shipping Association
  - Cyprus Bar Association

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