



REPUBLIC OF CYPRUS
MINISTRY
OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF
MERCHANT SHIPPING
LIMASSOL

Circular No. 17/2014

30 June 2014

TEN 5.13.09
TEN 12.3.02.35

To all Registered Owners, Registered Bareboat Charterers, Managers and Representatives of ships flying the Cyprus Flag

To all Owners, Managers and Representatives of Ships, irrespective of flag, sailing within the territorial sea of the Republic of Cyprus

Subject: The Marine Accident and Incident Investigation Committee

1. I refer to the above matter and I wish to inform you of the issuing of Circular No. 1/2014 dated 25th June 2014, by the **Marine Accident and Incident Investigation Committee** (“MAIC”) established by virtue of the *Investigation of Marine Casualties and Incidents Law of 2012*, Law 94(I)/2012¹ (transposing EU Directive 2009/18/EC²). MAIC became operational in February, 2014.

Circular No. 1/2014 of MAIC is the first Circular issued by said Committee and it is obtainable from its recently launched website www.maic.gov.cy.

2. All marine accidents (casualties and incidents) involving Cyprus flagged ships occurring anywhere around the globe, or, irrespective of flag occurring, within the territorial waters of the Republic of Cyprus **should be notified, without delay, to the MAIC** which constitutes the new national independent body for the holding of safety investigations and for carrying out proper analysis of marine casualties and incidents in order to determine their causes³.

¹ Published in the Official Gazette No. 4344, Supplement I (I), dated 6.07.2012.

² of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC.

³ Investigations carried out by the **MAIC** shall, in accordance with Directive 2009/18/EC and Law 94(I)/2012, not be concerned with determining liability or apportioning blame.



3. Notifications to the MAIC should be done in accordance with the **Accident Notification Report** developed by MAIC which is appended to its Circular No. 1/2014. At the same time, it is recalled that the obligation for the shipowners of vessels under the Cyprus flag **to inform** our Department (the DMS in its capacity as the competent Flag State Authority) of any occupational diseases of seafarers serving on board Cyprus flag vessels, is still valid and arises from the provisions of sections 134 and 136 of the *Maritime Labour Convention 2006 (Ratification) and for Matters Connected Therewith Law of 2012* (Law 6(III)/2012).

4. The Department of Merchant Shipping will continue to be responsible for investigating marine accidents concerning certain types of ships which are excluded from the scope of Directive 2009/18/EC (as per Article 2.2 and corresponding section 3(2) of Law 94(I)/2012) i.e. accidents involving **only**:

- (a) ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts and pleasure craft not engaged in trade, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes;
- (b) fishing vessels with a length of less than 15 meters.

The main instruments providing the legal basis for the carrying out of such a DMS **residual competence** for investigating the aforementioned types of marine accidents continues to be:

- Article 94 of the *UN Convention on the Law of the Sea 1982 (Ratification) Law of 1988 (Ratification Law 203/1988)*;
- sections 4 to 7 of the *Wrecks Law Cap. 298*⁴ (under this Law an investigation is effected essentially when the casualty occurs on or near the coasts of Cyprus, or if it happens elsewhere, if any competent witnesses thereof arrive or are found at any place within Cyprus);
- Decision of the Council of Ministers issued under section 4 of the *Convention on the International Maritime Organization (Ratification) and for Matters Connected Therewith Laws 1973-1996* regarding the adoption of the IMO 1997 and 2008 Codes for the Investigation of Marine Casualties and Incidents (A.849(20), A.884(21), MSC 255(84)) (P.I. No. 245/ 2010).⁵

⁴ See full text available in English translation on the DMS website www.shipping.gov.cy (select *Consolidated Cyprus Shipping Legislation /National Instruments*).

⁵ *Gazette No. 4432, Supplement III (I), dated 4.6.2010*. Repealing and replacing previous Decision P.I. 343/1999.

5. DMS Circular No.19/2005 is hereby repealed with respect to accidents falling within the competence of the newly established MAIC, but continues to apply with respect to marine casualties and accidents falling within the 3rd and 4th paragraph of this Circular.



Andreas I. Chrysostomou
Acting Director
Department of Merchant Shipping

cc: -**Permanent Secretary, Ministry of Communications and Works**
- Chairman, Marine Accident and Incident Investigation Committee
- Attorney General of the Republic
- Permanent Secretary, Ministry of Foreign Affairs
- Chief, Cyprus Police
- Commander, Search and Rescue Coordination Centre
- Director, Department of Fisheries
- Diplomatic Missions and Honorary Consular Officers of the Republic
- Maritime Offices of the Department of Merchant Shipping abroad
- Inspectors of Cyprus ships
- General Manager, Cyprus Ports Authority
- Cyprus Bar Association
- Cyprus Shipping Association
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Trade Union SEK
- Trade Union DEOK
- Trade Union PEO

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