



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 34/2010

16 November 2010

TEN 5.13.09
TEN 4.3.08.13

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

All Owners, Managers and Representatives of Ships under a foreign flag calling
Cyprus ports

All Shipping Agents operating in Cyprus (*c/o Cyprus Shipping Association*)

All Ship Managers operating in Cyprus (*c/o Cyprus Shipping Chamber*)

All Bunkering and ship supplying enterprises operating in Cyprus (*c/o Cyprus Shipping
Chamber*)

All Recognised Organisations operating in Cyprus

**Subject: Implementation of (i) Council Regulation (EU) No. 961/2010 and of (ii)
EU Council Decision 2010/644/CFSP amending Decision
2010/413/CFSP, concerning restrictive measures against Iran:
Circular under paragraph 4 of Order P.I. 369/2010¹**

1. I refer to the above subject and further to my Circulars No. 15/2007, No.1/2009, No.11/2010, No. 19/2010 and No. 30/2010, I wish to inform you of the adoption of the following two Community Instruments-

(i) Council Regulation (EU) No. 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007²; and

(ii) EU Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413/CFSP concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP³.

¹ Published in the Official Gazette of the Republic No. 4447, Supplement III (I), dated 20.08.2010.

² Official Journal of the EU, L. 281, p. 1, of 27.10.2010.

³ Official Journal of the EU, L. 281, p.81, of 27.10.2010.

2. Your attention is drawn to the adoption of the above instruments in the Cyprus legal Order under paragraph 4 of the *Cyprus Ships (Prohibition of Transportation of Specific Items, Materials, Equipment, Goods and Technology to and from Iran) Order of 2010, P.I. 369/2010* (paragraph 2(e) of my Circular No. 30/2010 is of relevance). It is recalled that paragraph 4 of Order P.I. 369/2010 extends the prohibition of transportation by Cyprus ships to “any items, materials and equipment in contravention of EU Council Decision 2010/413/CFSP and of any related Regulations or other instruments of the European Union adopted towards the implementation, amendment or replacement of the said Decision.”
3. EU Council Decision 2010/644/CFSP amends the list of persons and entities which are subject to the specific restrictive measures provided under Council Decision 2010/413/CFSP.
4. With respect to Council Regulation (EU) No. 961/2010 (hereinafter “Regulation”), your attention is drawn to the “Import and Export Restrictions” of certain goods, equipment and technology contained in Articles 2-8 of the Regulation. The Regulation also includes a number of “Restrictions on Transport” (Articles 27 and 28) pursuant to which-
 - (i) all goods brought into or leaving the customs territory of the Union from or to Iran shall be made subject to pre-arrival or pre-departure information to be submitted to the competent customs authorities of the Member State concerned⁴;
 - (ii) The provision by nationals of Member States or from the territories of Member States of bunkering or ship supply services, or any other servicing of vessels, to vessels owned or controlled, directly or indirectly, by an Iranian person, entity or body shall be prohibited where the providers of the service have information, including from the competent customs authorities on the basis of the pre-arrival and pre-departure information referred to in Article 27 of the Regulation, that provides reasonable grounds to believe that the vessels carry goods covered by the Common Military List⁵ or goods whose supply, sale, transfer or export is prohibited under the Regulation (EU) No. 961/2010, unless the provision of such services is necessary for humanitarian purposes.

This prohibition shall apply until the cargo has been inspected and, if necessary, seized or disposed of, as the case may be.

5. Under Chapter IV of the Regulation titled “Freezing of Funds and Economic Resources” the following prohibition is included pertaining to the maritime transport sector:

“It shall be prohibited, pursuant to the obligation to freeze the funds and economic resources of IRISL⁶ and of designated entities owned or controlled by IRISL, to load and unload cargoes on and from vessels owned or chartered by IRISL or by such entities in ports of Member States. That prohibition shall not prevent the execution of a contract concluded before the entry into force of this Regulation.”

The obligation to freeze the funds and economic resources of IRISL and of designated entities owned or controlled by IRISL shall not require the impounding or detention of

⁴ a provision also contained in Article 15(4) of Council Decision 2010/413/CFSP, see paragraph 5 of my Circular No. 30/2010.

⁵ Common Military List of the European Union, Official Journal C 69, 18.3.2010, p.19.

⁶ Islamic Republic of Iran Shipping Lines.

vessels owned by such entities or the cargoes carried by them insofar as such cargoes belong to third parties, nor does it require the detention of the crew contracted by them (Article 16 of the Regulation)”.

Goods, technology, nuclear materials and equipment as well as entities and legal persons subject to prohibitions are contained in Annexes I to VIII of the Regulation.

6. The text of Council Regulation (EU) No. 961/2010 and of EU Council Decision 2010/644/CFSP is obtainable from <http://eur-lex.europa.eu/>.
7. All recipients of the present Circular are invited to take note of its content and should strictly abide by the provisions of the aforementioned European Union Instruments, Order P.I. 369/2010 and UNSCR 1929/2010.

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
-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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