



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 57/2012

5 November 2012

TEN 5.13.09
TEN 4.2.12.3.08

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: **(i) The Cyprus Ships (Prohibition of Transportation of Arms and Related Materiel to and from Somalia) (Amendment) Order of 2012, P.I. 404/2012¹**
(ii) New European Union restrictive measures against Somalia: Council Decision 2012/633/CFSP of 15 October 2012 amending Decision 2010/231/CFSP concerning restrictive measures against Somalia- Circular under paragraph 6 of Order P.I. 427/2011²;

I refer to the above matter and further to DMS Circular No. 48/2011, I wish to inform you as follows:

I. National Prohibition Order P.I. 404/2012

2. 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 and Related Materiel to and from Somalia) (Amendment) Order of 2012, P.I. 404/2012, which implements the European Union Council Decisions 2011/635/CFSP and 2012/388/CFSP (which both amend Council Decision 2010/231/CFSP) as well as, the United Nations Security Council Resolutions 2002(2011) and 2036(2012) on Somalia.

¹ Published in the Official Gazette of the Republic No. 4599, Supplement III (I), dated 19.10.2012.

² Published in the Official Gazette of the Republic No. 4526, Supplement III (I), dated 21.10.2011.



3. Order P.I. 404/2012 amends existing national Prohibition Order P.I. 427/2011. It introduces additional prohibitions to the direct or indirect transportation by Cyprus ships, to and from Somalia, of arms and military equipment to persons or entities listed in the Annex of Decision 2010/231/CFSP (as may be amended) which are designated³ as:

- a. obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia.
- b. being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law;
- c. being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement.

4. Further to the above, in implementing Regulation (EU) No. 147/2003 as last amended by Regulation (EU) No. 642/2012, Order P.I.404/2012 **prohibits the direct or indirect transport by Cyprus ships of charcoal to and from Somalia**, irrespective of origin.

II. Council Decision 2012/633/CFSP introducing a new exemption to the arms embargo/Implementation under paragraph 6 of Order P.I. 369/2010

5. It is noted that under paragraph 6 of national Prohibition Order P.I. 427/2011 the prohibition of transportation by Cyprus ships is also extended to the transportation of “any items, materials and equipment in contravention of any related Regulations or other instruments of the European Union adopted towards the implementation, amendment or replacement of Council Decision 2010/231/CFSP”.

6. Council Decision 2012/633/CFSP of 15 October 2012 amending Decision 2010/231/CFSP concerning restrictive measures against Somalia introduces an additional exception to the arms embargo with respect to weapons and military equipment solely for the support of or use by the United Nations Political Office for Somalia, as approved in advance by the Sanctions Committee.

7. The text of the aforesaid EU instruments may be obtained from <http://eur-lex.europa.eu/>. 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.

8. It is recalled that EU instruments have a direct effect and are binding on shipowners /ship operators and any violation may expose them to relevant penalties under the Cyprus legislation or the legislation of any other Member State.

³ by the relevant Sanctions Committee.

9. All recipients of the present Circular are invited to abide by the EU Instruments imposing restrictive measures against Somalia as well as by the national Prohibition Orders.

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



Costas Costaras
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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