



REPUBLIC OF CYPRUS
MINISTRY OF TRANSPORT,
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 14/2015

TEN 5.13.09
TEN 12.3.02.33
TEN 12.3.02.39

22 June 2015

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

All Owners, Managers, Representatives and Agents in Cyprus of Ships, irrespective of flag they are flying, calling at Cyprus ports

Subject: (a) Increase of the LLMC Convention liability limits: Entry into force of the 2012 Amendments to the liability limits of the Convention on Limitation of Liability for Maritime Claims 1976 as amended by its 1996 Protocol (LLMC Convention)
(b) Increase of the Bunkers Convention liability limits

I refer to the above matter and further to DMS Circulars No. 43/2011 and No. 15/2012, I wish to inform you as follows:

1. Under the tacit acceptance procedure provided for in Article 8 of the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 ("LLMC Convention") new increased liability limits have entered into force internationally on 8 June 2015. These increased liability limits have been adopted by virtue of Resolution LEG 5(99) of the Legal Committee of the International Maritime Organization ("IMO"). A copy of Resolution LEG 5(99) which includes the amended limits is **attached** hereto whereas more information on the LLMC Convention and applicable limits is obtainable from the IMO website¹.

2. The LLMC Convention (1976 Convention and its 1996 Protocol) was ratified by the Republic of Cyprus by virtue of *the Convention on Limitation of Liability for Maritime Claims of 1976 and of its Protocol of 1996 Amending the Said Convention (Ratification) and for Matters Connected Therewith Law of 2005 (Law 20(III)/2005)*. The increased liability limits adopted by virtue of Resolution LEG 5(99) are **automatically binding** on all States² that have ratified the 1996 LLMC Protocol, including the Republic of Cyprus and thus apply in the territory of the Republic of Cyprus and the vessels flying the Cyprus flag.

¹ <http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/Convention-on-Limitation-of-Liability-for-Maritime-Claims-%28LLMC%29.aspx>

² In accordance with Article 8(7) of the 1996 LLMC Protocol, amendments shall be deemed to have been accepted at the end of a period of 18 months after the date of notification unless, prior to that date, not less than one-fourth of the States that were Contracting States on the date of the adoption of these amendments have communicated to the Secretary-General that they do not accept these amendments; All Contracting States were notified of the adoption of the new limits in June 2012. The Governments of Contracting States had 18 months to object to the new limits (i.e. until December 2013). No objections were received and the new limits therefore came into force 18 months thereafter i.e. in June 2015.

3. Furthermore, it is recalled that section 2 of *the Merchant Shipping (Shipowners Insurance for Maritime Claims) Law of 2012* (Law 14(I)/2012) transposing the provisions of Directive 2009/20/EC³ provides the following definition of the LLMC Convention which is inclusive of any amendments:

“LLMC 1996 Convention” means the consolidated text of the 1976 Convention on Limitation of Liability for Maritime Claims, adopted by the International Maritime Organization (IMO), as amended by the 1996 Protocol, ratified by the Republic by virtue of the Convention on Limitation of Liability for Maritime Claims of 1976 and of its Protocol of 1996 amending said Convention (Ratification) and for Matters Connected Therewith Law of 2005, as this Convention may be amended and in force in the Republic;

4. As announced via DMS Circular No. 15/2012, a translation into English of Law 14(I)/2012 is obtainable from our website www.shipping.gov.cy selecting “Legislation/Consolidated Cyprus Shipping Legislation/ National Instruments”.

5. The new 2012 limits apply also to claims under the **2001 International Convention on Civil Liability for Bunker Oil Pollution Damage 2001**, which under Articles 6 and 7.1, sets as liability limits the limits of the 1996 LLMC Convention as amended (paragraph 2 of DMS Circular No. 08/2008 is of relevance). Therefore the 2012 LLMC limits have been incorporated automatically into the 2001 Bunkers Convention which has been ratified by the Republic of Cyprus by virtue of the *International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001 (Bunkers Convention) (Ratification) and for Matters Connected Therewith Law of 2004* (Law 19(III)/2004).



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cc: Permanent Secretary, Ministry of Transport, Communications and Works
Attorney General of the Republic
Permanent Secretary, Ministry of Foreign Affairs
Diplomatic Missions and Honorary Consular Officers of the Republic
Chief Registrar, Supreme Court of the Republic of Cyprus
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
International Group of Protection and Indemnity (P&I) Clubs
SEK
DEOK
PEO

LMK

³ of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims.

ANNEX 2

RESOLUTION LEG.5(99)

(Adopted on 19 April 2012)

**ADOPTION OF AMENDMENTS OF THE LIMITATION AMOUNTS IN THE
PROTOCOL OF 1996 TO THE CONVENTION ON LIMITATION
OF LIABILITY FOR MARITIME CLAIMS, 1976**

THE LEGAL COMMITTEE at its ninety-ninth session,

RECALLING Article 33(b) of the Convention on the International Maritime Organization (hereinafter referred to as the "IMO Convention") concerning the functions of the Committee,

MINDFUL of Article 36 of the IMO Convention concerning rules governing the procedures to be followed when exercising the functions conferred on it by or under any international convention or instrument,

TAKING INTO CONSIDERATION article 8 of the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 (hereinafter referred to as the "1996 LLMC Protocol") concerning the procedures for amending the limitation amounts set out in article 3 of the 1996 LLMC Protocol,

HAVING CONSIDERED amendments to the limitation amounts proposed and circulated in accordance with the provisions of article 8(1) and (2) of the 1996 LLMC Protocol,

1. ADOPTS, in accordance with article 8(4) of the 1996 LLMC Protocol, amendments to the limitation amounts set out in article 3 of the 1996 LLMC Protocol, as set out in the annex to this resolution;
2. DETERMINES, in accordance with article 8(7) of the 1996 LLMC Protocol, that these amendments shall be deemed to have been accepted at the end of a period of 18 months after the date of notification unless, prior to that date, not less than one-fourth of the States that were Contracting States on the date of the adoption of these amendments have communicated to the Secretary-General that they do not accept these amendments;
3. FURTHER DETERMINES that, in accordance with article 8(8) of the 1996 LLMC Protocol, these amendments deemed to have been accepted in accordance with paragraph 2 above shall enter into force 18 months after their acceptance;
4. REQUESTS the Secretary-General, in accordance with article 14(2)(a)(v) of the 1996 LLMC Protocol, to transmit certified copies of the present resolution and the amendments contained in the annex thereto to all States which have signed or acceded to the 1996 LLMC Protocol;
5. FURTHER REQUESTS the Secretary-General to transmit copies of the present resolution and its annex to the Members of the Organization which have not signed or acceded to the 1996 LLMC Protocol.

ANNEX

**AMENDMENTS OF THE LIMITS OF LIABILITY IN THE PROTOCOL OF 1996
TO AMEND THE CONVENTION ON LIMITATION OF LIABILITY
FOR MARITIME CLAIMS, 1976**

Article 3 of the 1996 LLMC Protocol is amended as follows:

in respect of claims for loss of life or personal injury,

the reference to:

- "2 million Units of Account" shall read "3.02 million Units of Account";
- "800 Units of Account" shall read "1,208 Units of Account";
- "600 Units of Account" shall read "906 Units of Account";
- "400 Units of Account" shall read "604 Units of Account";

in respect of any other claims,

the reference to:

- "1 million Units of Account" shall read "1.51 million Units of Account";
- "400 Units of Account" shall read "604 Units of Account";
- "300 Units of Account" shall read "453 Units of Account";
- "200 Units of Account" shall read "302 Units of Account".
