



REPUBLIC OF CYPRUS

**SHIPPING DEPUTY MINISTRY TO THE PRESIDENT**

SIN. No. 5/2018

8<sup>th</sup> June 2018

DMS 5.13.10  
DMS 4.2.12.3.01

**SANCTIONS INFORMATION NOTICE**

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: **New EU instruments concerning restrictive measures against  
Myanmar/Burma**

1. I refer to the above subject and further to DMS Circular No. 20/2013 I wish to inform you of the adoption by the European Union of the following instruments:
  - (a) ***EU Council Decision (CFSP) 2018/665 of 26<sup>th</sup> April 2018 amending decision 2013/184/CFSP; and***
  - (b) ***Council Regulation (EU) 2018/647 of 26<sup>th</sup> April 2018 amending regulation (EU) No. 401/2013.***
2. As a result the current sanctions regime against Myanmar /Burma is now governed by **EU Council Decision 2013/184/CFSP as amended lastly by EU Council Decision (CFSP) 2018/665 and Council Regulation (EU) No. 401/2013 as amended lastly by EU Council Regulation (EU) 2018/647**, as well as National Prohibition Order P.I. 331/2013<sup>1</sup>.
3. The aforementioned instruments extent the prohibition of transportation clause so as to include the transportation of dual – use items and monitoring and interception equipment, as well as extent the application of the existing list of exemptions.
4. As a result the current restrictive measures regime against Myanmar/Burma, relevant to the maritime transport sector, is as follows:

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<sup>1</sup> published in the Official Gazette of the Republic No. 4718, Supplement III (I), dated 27.9.2013.



### **(A) Arms and Related Materiel**

The transportation by Cyprus ships to Myanmar/Burma of arms and related military materiel, irrespective of origin, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned as well as equipment which might be used for internal repression in Myanmar/Burma as listed in Annex I of EU Council Regulation (EU) No. 401/2013 as amended, to any person, entity or body in Myanmar/ Burma or for use in Myanmar/Burma is prohibited.

### **(B) Dual – Use Goods**

The transportation by Cyprus ships of all dual-use goods and technology listed in Annex I to Council Regulation (EC) No 428/2009 for military use in Myanmar/Burma, or to any military end-user or to the Border Guard Police in Myanmar/Burma irrespective of origin is prohibited.

Where the end-user is the Myanmar's/ Burma's military, any dual-use goods and technology procured by it shall be deemed to be for military use.

When deciding on requests for authorisations in accordance with Regulation (EC) No 428/2009, the competent authorities shall not grant an authorisation for exports to any natural or legal person, entity or body in Myanmar/Burma or for use in Myanmar/Burma, if they have reasonable grounds to believe that the end-user might be a military end-user, the Border Guard Police or that the goods might have a military end-use.

Exporters shall supply the competent authorities with all relevant information required for their application for an export authorisation.

Such prohibition shall be without prejudice to the execution of contracts concluded before 27<sup>th</sup> April 2018 or ancillary contracts necessary for the execution of such contracts.

### **(C) Monitoring or interception equipment**

The transportation by Cyprus ships of equipment, technology or software, including the equipment, technology or software identified in Annex III of EU Council Regulation (EU) No. 401/2013 as amended, intended primarily for use in the monitoring or interception by the Government of Myanmar/Burma, or on its behalf, of the internet and of telephone communications on mobile or fixed networks in Myanmar/Burma is prohibited.

By derogation from the said prohibition, Member States may authorise the transfer of the equipment, technology or software if they have reasonable grounds to determine that the equipment, technology or software would not be used for internal repression by Myanmar/Burma's government, public bodies, corporations or agencies, or any person or entity acting on their behalf or at their direction. The Member State concerned shall inform the other Member States and the European Commission of any authorisation granted under this paragraph, within four weeks of the authorisation.

5. The aforementioned instruments, further provide that the prohibitions **(A)** and **(B)** above do not apply in respect of the transportation of the following:

- a. non-lethal military equipment or equipment which might be used for internal repression or dual-use goods and technology listed in Annex I to Council Regulation (EC) No 428/2009, intended solely for humanitarian or protective use, or for institution building programs of the United Nations (UN) and the European Union, or for European Union and UN crisis management operations;
- b. demining equipment and materiel for use in demining operations

provided that the said exports have been approved in advance by the competent authorities;

- c. protective clothing, including flak jackets and military helmets, temporarily exported to Burma/Myanmar by United Nations personnel, by personnel of the European Union or its member States, representatives of the media and humanitarian or development workers and associated personnel, for their personal use only.

6. The text of the aforesaid EU instruments may be obtained from <http://eur-lex.europa.eu> whereas, a regularly updated list of all the European Union restrictive measures in force can be found at [http://ec.europa.eu/dgs/fpi/what-we-do/sanctions\\_en.htm](http://ec.europa.eu/dgs/fpi/what-we-do/sanctions_en.htm).
7. It is recalled that the House of Representatives of the Republic of Cyprus, has enacted in April 2016 the *Implementation of the Provisions of the United Nations Security Council Resolutions or Decisions (Sanctions) and the European Union Council Decisions and Regulations (Restrictive Measures) Law of 2016 ( Law 58(I)/2016)*.<sup>2</sup>

The purpose of Law 58(I)/2016 is to set out the obligations of any person or entity in the Republic of Cyprus to abide and comply with all the provisions of the UNSCRs. and /or the relevant EU Decisions and Regulations. Under this Law all UN and EU instruments are incorporated and adopted into the national legal order without the need of enacting Prohibition Orders (as was the practice in the past years), and are thus automatically applicable and binding.

For further information on this Law, as well as information on the relevant penalties please refer to our DMS Circular No. 16/2016.

8. All recipients of the present Sanctions Information Notice are invited to take note of its content and should strictly abide by the provisions of the aforementioned EU Instruments as well as of relevant national Prohibition Order P.I. 331/2013 and DMS Circular No.20/2013.

**This Sanctions Information Notice must be placed on board vessels flying the Cyprus flag.**



Dr. Anthony A. Madella  
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for Acting Permanent Secretary  
Shipping Deputy Ministry to the President

<sup>2</sup> Published in the Official Gazette of the Republic of Cyprus No. 4564, Supplement I (I) dated 25/4/2016.

- Cc:** - Permanent Secretary, Ministry of Transport, 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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