



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No.18/2014

22 July 2014

TEN 5.13.09
TEN 4.3.08.6

To all Registered owners, Registered bareboat charterers
Managers and Representatives of ships flying the Cyprus Flag

To all Owners, Managers and Representatives of ships under a foreign flag 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 Libya

1. I refer to the above subject and further to DMS Circulars No. 10/2011, No. 29/2011, No. 32/2011, No. 33/2012, No. 51/2012, No. 15/2013 and especially No. 08/2014, I wish to inform you of the adoption by the European Union Council on 23rd June 2014 of the following instruments concerning restrictive measures against Libya:

***(i) EU Council Decision 2014/380/CFSP amending Decision 2011/137/CFSP; and
(ii) Council Regulation (EU) No. 690/2014 amending Regulation (EU) No. 204/2011.***

2. The aforesaid instruments in essence implement United Nations Security Council Resolution 2146 (2014) seeking to condemn any attempt to illicitly export crude oil from Libya by imposing certain obligations on Flag States and Member States with respect to vessels designated by the Sanctions Committee¹ which may be subject to all or some of the measures adopted by virtue thereof.
3. Therefore, DMS, further to relevant previous DMS Circular No. 08/2014, would like to draw to your attention of the following provisions as set out in the aforesaid:

(A) EU Council Decision 2014/380/CFSP:

“Article 4b

1. Member States may, in accordance with paragraphs 5 to –9 of UNSCR 2146 (2014), inspect on the high seas designated vessels, using all measures commensurate to the specific circumstances, in full compliance with international humanitarian law and international human rights law, as may be applicable, carry out such inspections and direct the vessel to

¹ established pursuant to UNSCR 1970 (2011).

take appropriate actions to return the crude oil, with the consent of and in coordination with the Government of Libya, to Libya.

2. Member States should, before undertaking an inspection as referred to in paragraph 1, first seek the consent of the vessel's flag State.

3. Member States undertaking an inspection as referred to in paragraph 1 shall submit promptly a report on the inspection to the Committee containing relevant details, including efforts made to seek the consent of the vessel's flag State.

4. Member States undertaking inspections as referred to in paragraph 1 shall ensure that such inspections are carried out by warships and ships owned or operated by a State and used only on government non-commercial service.

5. Paragraph 1 shall not affect the rights, obligations or responsibilities of Member States under international law, including rights or obligations under the United Nations Convention on the Law of the Sea, including the general principle of exclusive jurisdiction of a flag State over its vessels on the high seas, with respect to non-designated vessels and in any other situation than that referred to in that paragraph.

6. Annex V includes the vessels referred to in paragraph 1 designated by the Committee in accordance with paragraph 11 of UNSCR 2146 (2014).

Article 4c

1. A Member State that is a flag State of a designated vessel shall, if the designation by the Committee has so specified, direct the vessel not to load, transport, or discharge crude oil illicitly exported from Libya aboard the vessel, in the absence of direction from the Government of Libya focal point, as referred to in paragraph 3 of UNSCR 2146 (2014).

2. Member States shall, if the designation by the Committee has so specified, deny entry into their ports of designated vessels, unless such entry is required for the purpose of an inspection, or in the case of emergency or in the case of return to Libya.

3. The provision by nationals of Member States or from the territories of Member States of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to designated vessels shall, if the designation by the Committee has so specified, be prohibited.

4. Paragraph 3 shall not apply where the competent authority in the relevant Member State determines that the provision of such services is necessary for humanitarian purposes, or that the vessel returns to Libya. The Member State concerned shall notify the Committee of any such authorisation.

5. Financial transactions by nationals of Member States or entities under their jurisdiction or from the territories of Member States with respect to crude oil illicitly exported from Libya aboard designated vessels shall, if the designation by the Committee has so specified, be prohibited.

6. Annex V includes the vessels referred to in paragraphs 1, 2, 3 and 5 designated by the Committee in accordance with paragraph 11 of UNSCR 2146 (2014)."

(B) Council Regulation (EU) No. 690/2014:

"Article 10b

1. It shall be prohibited to load, transport or discharge crude oil from Libya on designated vessels flying the flag of a Member State unless authorised by the competent authority of that Member State after consultation with the Government of Libya focal point.

2. It shall be prohibited to accept or provide access to ports in the territory of the Union to designated vessels, if the Sanctions Committee has so specified.

3. The measure laid down in paragraph 2 shall not apply where the entry to a port in the territory of the Union is necessary for an inspection, in the case of an emergency or where the vessel is returning to Libya.

4. The provision by nationals of Member States or from territories of Member States of bunkering or ship supply services, or any other servicing of vessels, to designated vessels, including the provision of fuel or supplies, shall, if the Sanctions Committee has so specified, be prohibited.

5. The competent authorities of the Member States identified in Annex IV may grant exemptions to the measure imposed by paragraph 4 where necessary for humanitarian or safety purposes, or where the vessel is returning to Libya. Any such authorisation must be notified to the Sanctions Committee and the Commission in writing.

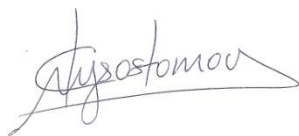
6. Financial transactions with respect to crude oil aboard designated vessels, including the sale of the crude oil or the use of the crude oil as credit, as well as taking out insurance with respect to the transport of the crude oil shall, if the Sanctions Committee has so specified, be prohibited. Such prohibition does not apply to the acceptance of port fees in the cases referred to paragraph 3”.

4. Your attention is drawn to the adoption of **EU Council Decision 2014/380/CFSP and Council Regulation (EU) No. 690/2014** in the Cyprus legal order under paragraph 5(2) of the *Cyprus Ships (Prohibition of Transportation of Arms and Related Materiel to Libya) Order of 2012, P.I. 195/2012*. It is noted that paragraph 5 of Order P.I. 195/2012² extends its applicability relating to the prohibition of transportation by Cyprus ships to crude oil illicitly exported from Libya as per **EU Council Decision 2014/380/CFSP and Council Regulation (EU) No. 690/2014**.
5. The text of United Nations Security Resolution may be found on <http://www.un.org/Docs/sc/>.

A regularly updated list of all the European Union restrictive measures in force can be found at http://eeas.europa.eu/cfsp/sanctions/docs/2014_05_26-measures-in-force_en.pdf

6. All recipients of the present Circular are invited to take note of its content and should strictly abide by the provisions of the aforementioned instruments, other related European Union and United Nations Instruments on Libya as well as of national Prohibition Order P.I. 195/2012.

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



Andreas I. Chrysostomou
Acting Director
Department of Merchant Shipping

² Published in the Official Gazette of the Republic No. 4572, Supplement III (I), dated 01.06.2012.

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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