



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 30/2010

26 August 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: (1) The Cyprus Ships (Prohibition of Transportation of Specific Items,
Materials, Equipment, Goods and Technology to and from Iran)
Order of 2010**

**(2) Implementation of United Nations Security Council Resolution
1929(2010) and of European Union Council Decision
2010/413/CFSP on Iran**

1. I refer to the above subject and further to my Circulars No. 15/2007, No.1/2009, No.11/2010 and No. 19/2010, I wish to inform you that the Minister of Communications and Works, as a result of the delegation of powers to her by the Council of Ministers by virtue of the Assignment of Statutory Functions Law of 1962¹, in exercising the powers under section 3 of the Cyprus Ships (Prohibition of Transportation) Laws 1966-1971, issued the Cyprus Ships (Prohibition of Transportation of Specific Items, Materials, Equipment, Goods and Technology to and from Iran) Order of 2010, P.I. 369/2010² (the "New Order").

¹ Law 23/1962.

² Published in the Official Gazette of the Republic No. 4447, Supplement III (I), dated 20.08.2010.

The New Order implements the United Nations Security Council Resolutions 1737 (2006), 1747 (2007), 1803 (2008), and 1929 (2010) as well as the European Union Council Decision 2010/413/CFSP³ and European Union Council Regulations (EC) 423/2007, 1110/2008 and 1228/2009.

It is noted that the New Order repeals and replaces previous relevant Orders P.I. 262/2007, P.I. 10/2009 and P.I. 346/2010.

2. In implementing the aforementioned Instruments, the New Order prohibits the transportation by Cyprus ships, to and from Iran, of the following items, materials, equipment, goods and technology, including software, irrespective of origin:
 - (a) items, materials, equipment, goods and technology included in the Nuclear Supplies Group and Missile Technology Control Regime lists;
 - (b) any additional items, materials, equipment, goods and technology, as determined by the Security Council or the Committee established pursuant to paragraph 18 of UNSC Resolution 1737(2006) (“the Committee”), which could contribute to enrichment – related reprocessing or heavy water –related activities, or to the development of nuclear weapon delivery systems or to activities in other fields for which the International Atomic Energy Agency (IAEA) has expressed its concerns or which were determined by it as important;

Provided that, for the purposes of transportation of such items, materials, equipment, goods and technology, the prior authorisation is required from the Competent Authority of the Member State, in which the exporter is established, in accordance with Article 11 of Regulation (EC) 428/2009;

- (c) arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned. This prohibition does not apply to non-combat vehicles which have been manufactured or fitted with materials with the purpose of providing ballistic protection, intended solely for the protective use of personnel of the European Union and its Member States in Iran;
 - (d) battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel, including spare parts, or items as determined by the Security Council or the relevant Sanctions Committee;

³ of 26th July 2010 concerning restrictive measures against Iran and repealing European Union Common Position 2007/140/CFSP. See also relevant Corrigendum published in the Official Journal of the European Union No. L 197/19, dated 29.07.2010.

- (e) 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. The New Order further stipulates that the prohibitions as described in paragraphs 2 (a), (b) and (c) above do not apply when the relevant Sanctions Committee determines in advance and on a case- by -case basis that such transportation of items, materials, equipment, goods and technology, would clearly not contribute to the development of Iran's technologies in support of its proliferation sensitive nuclear activities and of development of nuclear weapon delivery systems, inter alia, where such items, materials, equipment, goods and technology are destined for food, agricultural, medical or other humanitarian purposes, provided that:
- (a) the contracts for the delivery of the abovementioned items include appropriate end-user guarantees; and
 - (b) Iran has committed not to use the abovementioned items in proliferation of sensitive nuclear activities or for the development of nuclear weapons delivery systems.
4. Further to the prohibition described in aforementioned paragraph 2(e) pertaining to EU Council Decision 2010/413/CFSP, the New Order provides that *"any related Regulations or other instruments of the European Union adopted towards the implementation, amendment or replacement of said EU Council Decision, shall be notified by virtue of a Circular of the Director of the Department of Merchant Shipping"*.

In this respect and on the basis of the aforementioned provision, your attention is, by virtue of this Circular, drawn to Council Implementing Regulation (EU) 668/2010 of 26 July 2010 which provides that *"the obligation to freeze economic resources of designated entities of the Islamic Republic of Iran Shipping Lines (IRISL) does not require the impounding or detention of 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"*.

Same Regulation amends the list of entities included in Annex V of preceding Regulation (EC) 423/2007 which in essence lays out a number of companies related to IRISL.

5. Apart from the provisions of EU Council Decision 2010/413/CFSP prohibiting the transportation of certain items (your attention is particularly drawn to Articles 1-4), a number of other provisions relate to maritime transport and should be adhered by the recipients of this Circular. In essence, EU Council Decision 2010/413/CFSP reiterates the provisions of UNSC Resolution 1929 (2010) (see my Circular No. 19/2010 of 16.7.10 on the matter, particularly paragraphs 2 and 3). A novelty of EU Council Decision 2010/413/CFSP is the obligation it imposes on vessels transporting cargo to and from Iran to submit

additional pre-arrival or pre-departure information for all goods brought into or out of a Member State (see Article 15(4) of Council Decision 2010/413/CFSP).

The text of EU Council Decision 2010/413/CFSP is obtainable from <http://eur-lex.europa.eu/>.

6. All recipients of the present Circular are invited to take note of its content and should strictly abide by the provisions of the New Order as well as the provisions of aforementioned European Union and International Instruments.

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
 - Permanent Secretary, Ministry of Foreign Affairs
 - 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