



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 28/2012

27 June 2012

TEN 5.13.09
TEN 12.3.02.38

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

Subject: Harmonisation with the European Union Directive 2009/21/EC:

- 1) The Merchant Shipping (Compliance with Flag State Requirements) Law of 2012 (Law 48(I)/2012)**
- 2) The Merchant Shipping (Compliance with Flag State Requirements) Order of 2012 (P.I. 190/2012).**

1. I refer to the above subject and wish to inform you of the enactment of the ***Merchant Shipping (Compliance with Flag State Requirements) Law of 2012 (Law 48(I)/2012)***¹ for the purposes of transposition into our national legislation of the Directive 2009/21/EC of the European Parliament and of the Council of 23rd April 2009 on compliance with flag State requirements.

The text of the above Community Directive is available on the European Union website at <http://eur-lex.europa.eu>.

2. The purpose of **Law 48(I)/2012** is to set out the obligations of the Republic of Cyprus, as flag State, to be discharged in an effective and consistent manner with other EU Member States. It also seeks to enhance safety and prevent pollution from ships flying the flag of the Republic of Cyprus.
3. Moreover I wish to inform you that the Minister of Communications and Works of the Republic of Cyprus, in exercising his powers under sections 2(1) and 14 of the new **Law 48(I)/2012**, issued the ***Merchant Shipping (Compliance with Flag State Requirements) Order of 2012, P.I. 190/2012***².
4. The said new Order provides for the definition of the relevant International Conventions coming under the scope of application of the new Law, namely:

(a) *the International Convention for the Safety of Life at Sea of 1974 (SOLAS 74);*

¹ Published in the Official Gazette of the Republic of Cyprus No. 4332, Supplement I(I), dated 18.05.2012;

² Published in the Official Gazette of the Republic No. 4570, Supplement III (I), dated 25.05.2012.



- (b) *the International Load Lines Convention of 1966 (LL Convention 66);*
- (c) *the International Convention for the Prevention of Pollution from Ships of 1973 and the 1978 Protocol thereto (MARPOL Convention 73/78);*
- (d) *the International Convention on Tonnage Measurement of Ships of 1969 (ITC Convention 69);*
- (e) *the Convention on International Regulations for Preventing Collisions at Sea of 1972 (COLREG Convention 72);*
- (f) *the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers of 1978 (STCW Convention 78);*
- (g) *the Special Trade Passenger Ships Agreement 1971 (STP 71), and the Protocol on Space Requirements for Special Trade Passenger Ships 1973 (SPACE STP 73);*
- (h) *the International Convention on the Control of Harmful Anti-fouling Systems on Ships of 2001 (ANTI-FOULING Convention);*
- (i) *the International Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter of 1972 (DUMPING Convention);*
- (j) *the International Convention on Civil Liability for Oil Pollution Damage of 1992 (CLC Convention 92);*
- (k) *the International Convention for the Establishment of an International Fund for Compensation for Oil Pollution Damage of 1971 and of its Protocols of 1976 and 1992 (FUND Convention);*
- (l) *the International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001 (BUNKERS Convention);*
- (m) *Convention no. 147 of the International Labour Organisation on Merchant Shipping (Minimum Standards) Convention of 1976 (ILO Convention no. 147);*
- (n) *the International Convention on Maritime Search and Rescue of 1979 (SAR Convention);*
- (o) *the International Convention for Safe Containers of 1972 (CSC Convention);*
- (p) *the Convention on Facilitation of International Maritime Traffic of 1965 and of its Amendments of 1969 to 1996 (FAL Convention); and*
- (q) *the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea of 1996 (HNS Convention).*

The above term “International Conventions” includes the relevant to these International Conventions Protocols and relevant Codes, Standards, Decisions, Recommendations or Guidelines in their up-to-date version.

5. Your attention is drawn to the following sections of the Law imposing relevant specific obligations to the owners/operators of Cyprus ships and to Classification Societies:

- (i) **Section 8** of the Law provides for the relevant obligations of the operators of Cyprus ships to promptly inform the DMS Director in case:
 - (a) there has been a change in the particulars of the ship, except those changes which were made with the consent of the Minister of Communication and Works, the Registrar of Cyprus Ships or the DMS Director;
 - (b) there has been a change in the particulars of the recognised organisations which issue the ship`s certificates on behalf of the Republic of Cyprus;
 - (c) of a port State control inspection, irrespective of whether the port State has issued a decision of prohibition of sailing (detention);
 - (d) of a marine accident;
 - (e) of any other incident or information, which the Minister of Communications and Works prescribes by virtue of an Order published in the Official Gazette of the Republic.

In case a prohibition of sailing is imposed on a Cyprus ship by the port State, following a relevant inspection, the master, the members of the personnel of the ship and the operator of the ship have individually the obligation to comply with and implement the instructions of the Competent Authority (Ministry of Communication and Works/DMS) in relation to the inspections and surveys which must be carried out with respect to the ship.

- (ii) **Section 9** of the Law sets out the provisions relating to the administrative fine, to be imposed in case of non-compliance or omission or infringement of **section 8** of the Law. Such administrative fine shall not exceed the amount of eight thousand five hundred euro (€8,500).

Moreover, **section 9** of the Law provides for the relevant rights of the affected person (to be informed, heard or challenge such decision) and the relevant procedure.

- (iii) Lastly, **section 10** of the Law provides for the relevant obligations of the recognised organisations (classification societies), i.e. to send periodically to the DMS in hard copy and/or electronic form reports in relation to inspections and surveys carried out on behalf of the Republic of Cyprus in accordance to the agreements entered into between the Republic and each recognised organisation.

Non-compliance by recognised organisations with their obligations may result to the withdrawal or suspension of the authorisation granted to the relevant recognised organisation.

6. A translated into English language text of **Law 48(I)/2012** will be soon available on the Department's website at www.shipping.gov.cy (selecting Legislation/Consolidated Cyprus Shipping Legislation/National Instruments).

The Owners, Managers and Representatives of Cyprus Ships should strictly abide by the above new Order.

A handwritten signature in black ink, appearing to read 'I. Efstratiou', enclosed within a hand-drawn oval.

Ioannis Efstratiou
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
 - Maritime Offices of the Department of Merchant Shipping abroad
 - Diplomatic Missions and Honorary Consular Officers of the Republic
 - Cyprus Shipping Chamber
 - Cyprus Union of Shipowners
 - Cyprus Bar Association

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