



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 06/2009

16 March 2009

TEN 5.13.09
TEN 4.28.03.31
TEN 12.3.02.26

To all Owners, Managers
and Representatives of Ships
under the Cyprus Flag and Ships of all Flags entering or leaving Cyprus ports

Subject: 2001 Bunkers Convention: Administrative Fines/ Certification of special vessels such as barges, pontoons etc.

Further to the above matter and to my Circulars No. 08/2008, No. 13/2008 and No. 18/2008, you are hereby informed as follows:

1. On 7 January 2009, the Minister of Communications and Works of the Republic of Cyprus issued Directions in accordance with section 8(3) of Ratification Law 19(III)/2004 for setting the Administrative fine to be imposed for contraventions of the *2001 Bunkers Convention* and of the relevant *Ratification Law 19(III)/2004*. The text of the Minister's Directions, translated into English, is attached hereto.
2. Furthermore, kindly note that, following discussions amongst Contracting States, it has been recently clarified that barges, pontoons and other vessels (of a tonnage greater than 1000) without engines are required to hold Bunkers Certificates, if they are covered by the definition of a ship stipulated in the Bunkers Convention and carry oil for kinds of operation other than propulsion (the full text of *the 2001 Bunkers Convention* is contained on our website, selecting the "Certification under the Bunkers Convention" on the bottom right of the homepage). Therefore, owners of such vessels currently not furnished with a Bunkers Certificate are hereby urged to promptly apply, in accordance with our procedure, for the issuing of such Certificate by our Department.
3. The Owners, Managers and Representatives of Ships under the Cyprus Flag and of Ships of non State Parties covered by the present Circular, are advised to abide by this Circular.

Serghios S. Serghiou
Director
Department of Merchant Shipping

- Cc:** -Permanent Secretary, Ministry of Communications and Works
- Maritime Offices of the Department of Merchant Shipping abroad
-General Manager, Cyprus Ports Authority
- Permanent Secretary, Ministry of Foreign Affairs
- Diplomatic Missions and Honorary Consular Officers of the Republic
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Cyprus Shipping Association
- Cyprus Bar Association

LMK

The International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001 (Ratification) and for Matters Connected Therewith Law of 2004 (Ratification Law 19 (III)/2004), (Gazette No. 3850, Supplement I (III), dated 30.04.2004).

**DIRECTIONS OF THE MINISTER OF COMMUNICATIONS AND WORKS, ON
ADMINISTRATIVE FINES
issued in accordance with section 8(3) of Ratification Law 19(III)/2004¹**

<i>Type of Contravention</i>	<i>Amount of Administrative Fine</i>
<p><u>Contravention No.1</u></p> <p>Ship under the Cyprus flag which is not furnished with a valid Bunkers Convention Certificate in contravention of Article 7 of the <i>International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001 (Bunkers Convention)</i> and of the provisions of relevant <i>Ratification Law 19 (III)/2004</i>.</p>	<p>Minimum Amount: two thousand euro (€2.000) and additionally for each day that compliance is overdue, as from the date since which the vessel had a legal obligation to be furnished with a valid Bunkers Convention Certificate: twenty euro (€20) for each day overdue (in the calculation of the Administrative fine, days for which the ship was laid up or undertaking repairs at a dry dock are not taken into account). The total amount of Administrative fine may not exceed eight thousand five hundred and forty three euro (€ 8.543).</p> <p>If on the date of expiration of the <i>Bunkers Convention Certificate</i>, the ship was laid up or undertaking repairs at a dry dock, no Administrative fine is imposed.</p>
<p><u>Contravention No. 2</u></p> <p>Ship under the Cyprus flag which is furnished with a Bunkers Convention Certificate issued by a <i>foreign Maritime Authority of a State Party unlawfully and in contravention of the Cyprus legislation without the prior notification and consent of the Cyprus Competent Authority</i> (in contravention of Article 7 of the <i>International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001 (Bunkers Convention)</i> and of the provisions of relevant <i>Ratification Law 19 (III)/2004</i>.)</p>	<p>One thousand eight hundred euro (€1.800).</p>

¹ The amount of the administrative fine imposed (between 1.000 CYP- 5.000 CYP, corresponding today to € 1.708- € 8.543, in accordance with P.I. 312/2007 issued under *the Adoption of the Euro Law of 2007, Law 33(I) /2007*) shall be calculated in each case on the basis of indicative directions issued by the Minister, without thereby limiting, within the scope of the directions, the discretionary power of the Competent Authority, which confirms the particular contravention, to decide freely on the basis of the actual facts of each case (see section 8 of Ratification Law 19 (III)/2004) .

<p><u>Contravention No. 3</u></p> <p>Non compliance of a ship under the Cyprus flag with a prohibition to perform a voyage anywhere around the globe imposed by the Competent Authority in accordance with section 7(2) of Ratification Law 19 (III)/2004.</p>	<p>Eight thousand five hundred and forty three euro (€ 8.543).</p>
<p><u>Contravention No. 4</u></p> <p>Non compliance of a ship under the Cyprus flag or under a foreign flag with a:</p> <p>(α) prohibition of arrival at a port of the Republic of Cyprus (the Republic) or a prohibition of sailing from a port of the Republic;</p> <p>(β) prohibition to call at an offshore facility in the territorial waters of the Republic or a prohibition of sailing from an offshore facility in the territorial waters of the Republic;</p> <p>imposed by the Competent Authority in accordance with section 7(1) of Ratification Law 19 (III)/2004.</p>	<p>Eight thousand five hundred and forty three euro (€ 8.543).</p>
<p><u>Contravention No. 5</u></p> <p>Ships under the Cyprus flag or under a foreign flag which lawfully arrived at a port of the Republic/ offshore facility in the territorial waters of the Republic, or sailed from a port of the Republic/ offshore facility in the territorial waters of the Republic, and it was subsequently confirmed/ established that whilst within a port of the Republic/ offshore facility in the territorial waters of the Republic, the ship was NOT furnished with a valid <i>Bunkers Convention Certificate</i> issued in accordance with Article 7 of the <i>International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001</i>, as a result of submission to the Competent Authority of incomplete or misleading information by the shipowner, the master or the agent of the ship, on the existence of a valid <i>Bunkers Convention Certificate</i> for said ship.</p>	<p>Eight thousand five hundred and forty three euro (€ 8.543).</p>

Provided that for the same ship and for contraventions which occurred within the same time period, a simultaneous/ combined imposition of an Administrative fine is possible for any of the abovementioned five types of contraventions.

Nicos Nicolaidis
Minister of Communications and Works
Republic of Cyprus

Issued on 7 January 2009