



REPUBLIC OF CYPRUS  
**SHIPPING DEPUTY MINISTRY**

Circular No. 38/2021

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13 October 2021

All Registered Owners, Registered Bareboat Charterers, Managers and Representatives of Ships flying the Cyprus flag

All Recognised Organisations

**Subject: Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC**

We would like to remind all parties concerned of the provisions of *Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC* (the Directive) which has been transposed in the legislation of the Republic of Cyprus with Law 23(I)/2017 and note the following:

2 All parties are obliged to implement the following salient requirements:

*Article 5  
Application*

1. *When Member States issue, endorse or renew the certificates of the ships flying their flag as required by the international conventions, they shall ensure that the marine equipment on board those ships complies with the requirements of this Directive.*

2. *Member States shall take the necessary measures to ensure that marine equipment on board ships flying their flag complies with the requirements in the international instruments which are applicable to equipment already placed on board. Implementing powers shall be conferred upon the Commission to ensure the uniform application of those measures, in accordance with Article 35(3).*

3 The issue, endorsement and renewal of statutory certificates have been delegated to Recognised Organisations (ROs). Thus, when such certificates are issued, endorsed, or renewed, the RO involved will ascertain that the marine equipment<sup>1</sup> carried on board the ship comply with the requirements of the Directive. If not, the RO will advise the master of the ship and will notify the Administration of the details of non-compliant marine equipment.

3.1 A ship shall be considered as complying with the requirements of the Directive, including, cases where Cyprus has issued one or several certificates stating that it considers as equivalent the specific marine equipment.

<sup>1</sup> As defined in Article 2(1) of the Directive.



3.1.1 It is reminded that such certificates of equivalency should be carried on board at all times as long as the specific marine equipment remains on board.

#### *Article 7*

##### *Transfer of a ship to the flag of a Member State*

1. *In the case of a non-EU ship which is to be transferred to the flag of a Member State, that ship shall, during transfer, be subject to inspection by the receiving Member State to verify that the actual condition of its marine equipment corresponds to its safety certificates and either complies with this Directive and bears the wheel mark or is equivalent, to the satisfaction of that Member State's administration, to marine equipment certified in accordance with this Directive as of 18 September 2016.*

2. *In cases where the date of installation on board of marine equipment cannot be established, Member States may determine satisfactory requirements of equivalence, taking into account relevant international instruments.*

3. *Unless the equipment either bears the wheel mark or the administration considers it to be equivalent, it shall be replaced.*

4. *Marine equipment which is considered equivalent pursuant to this Article shall be issued with a certificate by the Member State which shall at all times be carried with the equipment. That certificate shall give the flag Member State's permission for the equipment to be retained on board the ship and impose any restrictions or lay down any provisions relating to the use of the equipment.*

4 In the case where a non-EU flag ship is to be transferred to the flag of Cyprus, that ship shall, during transfer, be subject to inspection to verify that the actual condition of its marine equipment corresponds to its safety certificates and either complies with this Directive and bears the wheel mark or is equivalent to the satisfaction of Cyprus.

4.1 If any of the marine equipment fitted on board is found as not to be compliant with the Directive, the RO involved will advise the master of the ship and will notify the Administration of the details of non-compliant marine equipment.

4.2 Notwithstanding the information provided by the RO involved, if the RO is of the opinion that the specific non-compliant marine equipment qualifies for the issue of certificate of equivalency, the Registered Owners, or the Registered Bareboat Charterers, or the ship's Managers should apply to the Administration for the issue of such one.

4.2.1 The applicant is responsible for providing the Administration with all salient details it may request for considering the application and is obligated to adhere and observe any restrictions or provisions which are attached to any certificate of equivalency.

#### *Article 16*

##### *EU declaration of conformity*

1. *The EU declaration of conformity shall state that the fulfilment of the requirements laid down in accordance with Article 4 has been demonstrated.*

2. *The EU declaration of conformity shall follow the model structure set out in Annex III to Decision No 768/2008/EC. It shall contain the elements specified in the relevant modules set out in Annex II to this Directive and shall be kept up to date.*

3. *By drawing up the EU declaration of conformity, the manufacturer shall assume the responsibility and the obligations referred to in Article 12(1).*

4. *When marine equipment is placed on board an EU ship, a copy of the EU declaration of conformity covering the equipment concerned shall be provided to the ship, and shall be kept on board until the said equipment is removed from the ship. It shall be translated by the manufacturer into the language or languages required by the flag Member State, including at least a language commonly used in the maritime transport sector.*

5. *A copy of the EU declaration of conformity shall be provided to the notified body or to the bodies which carried out the relevant conformity assessment procedures.*

5 The Registered Owners, the Registered Bareboat Charterers, and the ship's Managers, need to ensure that a copy of *EU declaration of conformity* for each on the marine equipment is carried on board as provided in Article 16. This includes certificates of equivalency.

5.1 The EU declarations of conformity and the certificates of equivalency should be readily available for inspection.

5.2 If the RO involved has reasons to believe that a fraud involving the compliance of the marine equipment with the Directive, including the affixing of the wheel mark, has taken place, it shall forthwith advise the master of the ship and shall notify the Administration of the relevant details.

5.3 Interested parties are reminded that the issue of marine equipment is also addressed by the *Agreement between the European Community and the United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment* which may be found by using the following link:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02004A0430%2803%29-20190218>

#### *Article 35(2) Implementing measures*

*For each item of marine equipment for which the approval of the flag State administration is required by the international conventions, the Commission shall indicate by means of implementing acts the respective design, construction and performance requirements and the testing standards provided for in the international instruments. When adopting those acts, the Commission shall explicitly indicate the dates from which those requirements and testing standards are to apply, including the dates for placing on the market and placing on board, in accordance with the international instruments, and taking into consideration timeframes for ship-building. The Commission may also specify the common criteria and detailed procedures for their application.*

6 Pursuant to Article 35(2) the European Commission has adopted a series of implementing regulations in relation to the Directive. The latest one is the *Commission Implementing Regulation (EU) 2021/1158 of 22 June 2021 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2020/1170*. Each of the Commission Implementing Regulations repeal the previous one, and, amongst others, specify transitional periods for newly inserted items and include deadlines for accepting old standards.

6.1 The Registered Owners, the Registered Bareboat Charterers, the ship's Managers, and ROs should refer to the latest Commission Implementing Regulation in force which should be read together with the Directive.

7 The Directive also includes Article 30 (Exemptions based on technical innovation), Article 31 (Exemptions for testing or evaluation) and Article 32 (Exemptions in exceptional circumstances). The salient provisions may be only invoked and exercised by the Administration.

7.1 Thus, if the Registered Owners, the Registered Bareboat Charterers, and the ship's Managers, would like to make use of any of the exemptions referred above in paragraph 7, they have to apply to the Administration, submitting all necessary documents.

8 The present Circular should not be construed as limiting the ability of the Administration to implement any other measures ascertain or foster the implementation of the Directive.

**This Circular should be carried on board all ships flying the Cyprus flag which are fitted with marine equipment which need to comply with the requirements of the Directive.**

**In addition, the Recognised Organisation need to include this Circular in the country file of Cyprus.**

Liana Charalambous Tanos  
Acting Permanent Secretary

CC:

- Permanent Secretary, Ministry of Foreign Affairs
- Maritime Offices of the Shipping Deputy Ministry abroad
- Diplomatic and Consular Missions of the Republic
- Honorary Consular Officers of the Republic
- Cyprus Shipping Chamber
- Cyprus Union of Ship Owners
- Cyprus Bar Association