

Shipping & Transport - Cyprus

Law on compliance with flag state requirements enters into force

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On May 18 2012 the Merchant Shipping (Compliance with Flag State Requirements) Law (48 (I)/2012) entered into force, following publication in the *Official Gazette*. It transposes EU Directive 2009/21/EC into domestic law.

The law sets out the obligations of Cyprus as a flag state, which must be discharged in an effective and consistent manner with other EU member states, and aims to enhance safety and prevent pollution from ships flying the Cyprus flag. The Merchant Shipping (Compliance with Flag State Requirements) Order 2012, published on May 25 2012, defines the relevant international conventions that fall under the scope of the law:

- the International Convention for the Safety of Life at Sea 1974;
- the International Load Lines Convention 1966;
- the International Convention for the Prevention of Pollution from Ships 1973 and the 1978 Protocol thereto;
- the International Convention on Tonnage Measurement of Ships 1969;
- the Convention on International Regulations for Preventing Collisions at Sea 1972;
- the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978;
- the Special Trade Passenger Ships Agreement 1971 and the 1973 Protocol on Space Requirements for Special Trade Passenger Ships;
- the International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001;
- the International Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter 1972;
- the International Convention on Civil Liability for Oil Pollution Damage 1992;
- the International Convention for the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 and the 1976 and 1992 Protocols thereto;
- the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001;
- Convention 147 of the International Labour Organisation on Merchant Shipping (Minimum Standards) Convention 1976;
- the International Convention on Maritime Search and Rescue 1979;
- the International Convention for Safe Containers 1972;
- the Convention on Facilitation of International Maritime Traffic 1965, as amended; and
- the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea 1996.

Section 8 of the law sets out the relevant obligations of the operators of Cyprus ships. They must promptly inform the director of the Department of Merchant Shipping in the event of:

- a change in the particulars of the ship, other than changes previously agreed with the minister of communication and works, the registrar of Cyprus ships or the department;
- a change in the particulars of the recognised organisations that issue the ship's certificates on behalf of the state;
- a port state control inspection, irrespective of whether the vessel has been detained;
- a marine accident; or
- any other incident or information prescribed by means of an order published in the *Official Gazette*.

If a prohibition to sail is imposed on a Cyprus ship by a port state following a relevant inspection, the master, crew and operator of the ship are individually obliged to comply with and implement the instructions of the Cyprus shipping authorities in relation to inspections and surveys that must be carried out with regard to the ship. An administrative fine of up to €8,500 may be imposed for failure to comply with Section 8 of the law.

Section 10 of the law requires recognised organisations (classification societies) that undertake inspections and surveys on behalf of Cyprus to provide the department with copies of reports.

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