



REPUBLIC OF CYPRUS
MINISTRY OF TRANSPORT,
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 27/2015

10 August 2015

TEN 5.13.09
TEN 12.3.01.39
TEN 12.3.02.32
TEN 12.3.02.26

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

To all Owners, Managers, Representatives and Agents in Cyprus of Ships, irrespective of flag
they are flying, calling at Cyprus ports
c/o Cyprus Shipping Chamber
c/o Cyprus Union of Shipowners
c/o Cyprus Shipping Association

**Subject: (1) Accession of the Republic of Cyprus to the 2007 Wreck Removal Convention-
The Nairobi International Convention on the Removal of Wrecks (Ratification)
and for Matters Connected Therewith Law of 2015 (N.12(III)/2015)**
**(2) New Single Application Form and Fees for the issuing of a Civil Liability
Certificate (CLC, Bunkers, Wreck Removal, Athens PLR)**

1. I refer to the above matter and I wish to inform you that the Republic of Cyprus has ratified the 2007 Nairobi International Convention on the Removal of Wrecks by virtue of the recently enacted Ratification Law titled "*The Nairobi International Convention on the Removal of Wrecks (Ratification) and for Matters Connected Therewith Law of 2015 (Law 12(III)/2015)*". This Law was published in the Official Gazette of the Republic No.4207, dated 29.05.2015 Supplement I(III). Our Department has prepared an unofficial translation into English of Law 12(III)/2015 which has been made available on our website.

2. The Nairobi International Convention on the Removal of Wrecks will **enter into force** for the Republic of Cyprus on **22 October 2015** in accordance with Article 18(2) of the Convention.

3. In accordance with the provisions of *the Nairobi International Convention on the Removal of Wrecks (Ratification) and for Matters Connected Therewith Law of 2015 (Law 12(III)/2015)* as from 22 October 2015-

- (i) Cyprus flagged vessels of a gross tonnage of 300GT and above; and
- (ii) Vessels, irrespective of flag, of a gross tonnage of 300GT and above calling Cyprus ports or located within the territorial sea of the Republic of Cyprus,

will have an obligation to be furnished with a Certificate attesting that insurance is in place in accordance with the provisions of Article 12 of the Wreck Removal Convention. Vessels that fail to produce such a Certificate on or after 22 October 2015 will face criminal and administrative sanctions (administrative fine, prohibition of sailing, refusal of access to a port) in accordance with the provisions of the relevant National Ratification Law.

Cyprus flagged vessels

4. Cyprus flagged vessels shall obtain in time the Wreck Removal Certificate provided for in Article 12(2) of the Convention, from the Flag State Administration i.e. from the Department of Merchant Shipping. Wreck Removal Certificates **already obtained** by Cyprus flagged vessels from an Administration of any other State Party to the Convention prior to the ratification of the Convention by the Republic of Cyprus, would be **acceptable** to this Department until their expiry and do not have to be re-issued or replaced. For the mere purpose of keeping a record of vessels already holding a WRC by any other State Party to the Convention, the Owners, Managers and Representatives of Ships of such vessels are requested to **submit** to the Department a copy of such a Certificate (can be emailed at bunkersclc@dms.mcw.gov.cy)

4.1 However, Wreck Removal Certificates issued by any other State Party to the Convention, prior to the ratification of the Convention by the Republic of Cyprus, shall be **renewed** by this Department upon their expiry. Moreover, if there is any need for a **re-issuing** of a Certificate i.e. as a result of a transfer of ownership, change of name or change of the insurance provider-Protection and Indemnity Club, the Wreck Removal Certificate in such a case shall again be issued by the Flag State Administration i.e. from this Department.

4.2 The application form “**MSCL 1**” for the issuing of a Wreck Removal Certificate to a Cyprus flagged vessel is attached hereto as **Annex A** whereas the prescribed fee is 60 (sixty) euro¹. As you will note, the attached application form can be used as a single form for the issuing of the other compulsory Insurance Certificates required by Cyprus under:

- (i) the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage National Ratification Law 19(III)/2004;
- (ii) the 1992 International Convention on Civil Liability for Oil Pollution Damage, National Ratification Law 63/1989 as amended by Law 185/1991, Law 14(III)/ 1997 and Law 47(III)/ 2005; and
- (iii) the Athens Passenger Liability Regulation (EC.) No. 392/2009, National Law 5(I)/2014.

As of **1st October 2015**, the **fee** for the issuing of a CLC Certificate as well as of a Bunkers Certificate **shall be increased** from 51,26 euro to 60 euro (the fee for the issuing of an Athens PLR Certificate to a Cyprus passenger vessel is already set at 60 euro). This will be the new unified Civil Liability Certification fee with respect to Cyprus flagged ships. The new unified Civil Liability Certification fee with respect to non Cyprus flagged ships has been set at 180 euro².

¹ Fees have been prescribed by virtue of The Nairobi International Convention on the Removal of Wrecks (Determination of Payable Fees) Order of 2015 (Order P.I. 268/2015 of the Minister of Transport, Communications and Works).

² Fees for the issuing of Civil Liability Certificates have been prescribed/ revised by virtue of –

4.3 The application forms announced via DMS Circular No. 04/2008 (pertaining to the 1992 CLC Convention), DMS Circular No. 08/2008 (pertaining to the 2001 Bunkers Convention) and DMS Circular No. 70/2012 (pertaining to the Athens Passenger Liability Regulation (EC.) No. 392/2009) are **no longer applicable**. The application forms as well as the related Circulars and legislation are available on our website www.shipping.gov.cy selecting the “Civil Liability Certification” link from the bottom right of the homepage.

Non -Cyprus flagged vessels

5. Non-Cyprus flagged vessels calling Cyprus ports or located within the territorial sea of the Republic of Cyprus shall be furnished with a Wreck Removal Certificate:

- (i) issued by their Flag State Administration if their flag State is a State Party to the Convention; or
- (ii) issued by any State Party Administration if their flag State is not a State Party to the Convention.

5.1 The Department will be issuing Wreck Removal Certificates to vessels flying the flag of a non- State Party to the Convention. The application form “**MSCL 2**” for the issuing of a Wreck Removal Certificate to a non-State Party vessel is attached hereto as **Annex B** whereas the prescribed fee is 180 (one hundred and eighty) euro.

5.2 Our Department shall not examine any application for certification of a non State Party ship if:

- (i) the Blue Card submitted does not originate from a member to the International Group of P&I Clubs or from any of the few insurance providers outside the Group approved by this Administration;
- (ii) the flag which the non State Party ship is flying, appears in the Black List of the Paris MOU according to the Annual Report of the Paris MOU for the year preceding the date of the request.

5.3 Further to the above, our Department has revised the application forms for the issuing of –

- (i) a Bunkers Certificate to a non-Cyprus/ non-State Party vessel (“**MSCL 3**”); and
- (ii) an Athens PLR Certificate to a non-Cyprus/ non EU vessel (“**MSCL 4**”).

These application forms are also obtainable from our website www.shipping.gov.cy selecting the “Civil Liability Certification” link from the bottom right of the homepage.

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- (a) The International Convention on Civil Liability for Oil Pollution Damage (Determination of Payable Fees) Order of 2015 (Order P.I. 270/2015 of the Minister of Transport, Communications and Works);
 - (b) The International Convention on Civil Liability for Bunker Oil Pollution Damage (Determination of Payable Fees) Order of 2015 (Order P.I. 269/2015 of the Minister of Transport, Communications and Works);
 - (c) The Merchant Shipping (Liability of Carriers of Passengers by Sea in the Event of Accidents) (Determination of Payable Fees) Notification of 2015 (Notification P.I. 258/2015 of the DMS Director).

DMS Contact details

6. Enquiries for any further information on the matter may be addressed by email to bunkersclc@dms.mcw.gov.cy.

7. The Owners, Managers and Representatives of Ships under the Cyprus Flag (of a GT of 300 and above) and of Ships of any flag (of a GT of 300 and above) calling Cyprus ports or located within the territorial sea of the Republic of Cyprus, are advised to make early arrangements in order to ensure that on 22 October 2015 they will be abiding by this Circular and by the National Ratification Law 12(III)/2015. Early submission of applications for the issuing of Wreck Removal Certificates is strongly encouraged in order to ensure that all applications will be processed in time for the entry into force of the Wreck Removal Convention for the Republic of Cyprus.



Andreas I. Chrysostomou
Acting Director
Department of Merchant Shipping

Cc: -Permanent Secretary, Ministry of Transport, Communications and Works

- Attorney General of the Republic
- Permanent Secretary, Ministry of Foreign Affairs
- Diplomatic Missions and Honorary Consular Officers of the Republic
- Maritime Offices of the Department of Merchant Shipping abroad
- Acting General Manager, Cyprus Ports Authority
- Marine Accident and Incident Investigation Committee
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Cyprus Shipping Association
- Cyprus Bar Association
- International Group of P&I Clubs

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ANNEX A

MSCL 1

Department of Merchant Shipping
Ministry of Transport, Communications and Works

APPLICATION FOR THE ISSUING OF A CERTIFICATE TO A CYPRUS FLAGGED VESSEL ATTESTING
INSURANCE OR OTHER FINANCIAL SECURITY IS IN PLACE IN RESPECT OF CIVIL LIABILITY
UNDER THE 2001 BUNKERS CONVENTION¹, THE 2007 NAIROBI INTERNATIONAL
CONVENTION FOR THE REMOVAL OF WRECKS², THE 1992 CLC CONVENTION³ AND THE
ATHENS PASSENGER LIABILITY REGULATION (EC.) NO. 392/2009⁴

VESSEL DETAILS		
VESSEL NAME		
IMO NUMBER	RCS (if known)	DISTINCTIVE NUMBER OR LETTERS (CALL SIGN)
FULL NAME OF VESSEL'S REGISTERED OWNER		

APPLICANT				
NAME OF APPLICANT (COMPANY NAME)				
ADDRESS OF THE APPLICANT				
TELEPHONE NO.				
EMAIL				
PREFERRED DELIVERY MODE (to be completed only if the Certificate will not be collected from the DMS)	By registered mail	By courier service charging the recipient's courier account		
(tick v as appropriate)	<input type="checkbox"/>	<input type="checkbox"/>		
		Courier Account Details:		
FULL ADDRESS FOR MAILING THE CERTIFICATE (if different from the above address of the Applicant-Include name of contact person and telephone no.)				
CAPACITY OF THE APPLICANT (tick v as appropriate)	Vessel's Authorised Legal Representative	Vessel's Shipowning Company	Vessel's Shipmanagement Company	Vessel's bareboat charterer
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ National Ratification Law 19(III)/2004.

² National Ratification Law 12(III)/2015.

³ National Ratification Law 63/1989 as amended by Law 185/1991, Law 14(III)/ 1997 and Law 47(III)/ 2005.

⁴ National Law 5(I)/2014.

TYPE OF APPLICATION (tick ✓ as appropriate)			
2001 BUNKERS	2007 NAIROBI WRECK REMOVAL	1992 CLC CONVENTION	ATHENS PLR REG. (EC) NO. 392/2009
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TOTAL AMOUNT OF FEES: €.....

DETAILS OF CERTIFICATE FURNISHED AS EVIDENCE OF INSURANCE (Insurance/ P & I Club Blue Card) ATTACHED TO THIS APPLICATION				
	Name of the Assurance Association issuing the Certificate (Blue Card)	Date of issue of the Certificate (Blue Card)	Cover commencement date	Cover expiry date
2001 BUNKERS CONVENTION <i>(if applicable)</i>				
2007 NAIROBI WRECK REMOVAL <i>(if applicable)</i>				
1992 CLC CONVENTION <i>(if applicable)</i>				
ATHENS PLR REG. (EC) NO. 392/2009 <i>(if applicable)</i>	Non War Risk Blue Card:	Non War Risk Blue Card:		
	War Risk Blue Card:	War Risk Blue Card:		

Declarations:

It is hereby declared on behalf of the Vessel's Owners that:

- they undertake to immediately notify the DMS in the event of any changes, alterations or other reasons whatsoever which may cancel, cause or constitute the Evidence of Insurance (Blue Card) null and void and that they further understand that the Certificate will cease to be valid as from the time the Evidence of Insurance (Blue Card) ceases to be in force. In such eventuality the Company undertakes to forthwith return the Certificate to the DMS;
- they undertake to return, within 15 days, the Certificate to the DMS or deposit it with the nearest Diplomatic Mission or Honorary Consular Officer of the Republic of Cyprus, for onwards transmission to the DMS, in case the subject vessel ceases to be registered in the ownership of the Company or the Certificate has been terminated.
- they note that failure to comply with the provisions of the national Law/ Laws constitutes an offence punishable by an administrative fine;
- they note that the submission of fraudulent or deceitful information for the purpose of obtaining a Certificate, constitutes a criminal offence punishable with a sentence of imprisonment and/ or a fine.

NAME AND TITLE (Mr. ,Mrs. , Capt) OF AUTHORISED PERSON SIGNING ON BEHALF OF THE APPLICANT	SIGNATURE	DATE

ANNEX B

MSCL 2

Department of Merchant Shipping
Ministry of Transport, Communications and Works

APPLICATION FOR THE ISSUING OF A CERTIFICATE TO A NON- STATE PARTY VESSEL ATTESTING INSURANCE OR OTHER FINANCIAL SECURITY IS IN PLACE IN RESPECT OF CIVIL LIABILITY UNDER THE 2007 NAIROBI INTERNATIONAL CONVENTION FOR THE REMOVAL OF WRECKS¹

VESSEL DETAILS	
VESSEL NAME	
IMO NUMBER	
DISTINCTIVE NUMBER OR LETTERS (CALL SIGN)	
PORT OF REGISTRY/ FLAG	
FULL NAME OF VESSEL'S REGISTERED OWNER	

APPLICANT				
NAME OF APPLICANT (COMPANY NAME)				
ADDRESS OF THE APPLICANT				
TELEPHONE NO.				
EMAIL				
PREFERRED DELIVERY MODE <i>(to be completed only if the Certificate will not be collected from the DMS)</i> (tick ✓ as appropriate)	By registered mail	By courier service charging the recipient's courier account		
	<input type="checkbox"/>	<input type="checkbox"/>		
		Courier Account Details:		
FULL ADDRESS FOR MAILING THE CERTIFICATE <i>(if different from the above address of the Applicant-Include name of contact person and telephone no.)</i>				
CAPACITY OF THE APPLICANT (tick ✓ as appropriate)	Vessel's Authorised Legal Representative	Vessel's Shipowning Company	Vessel's Shipmanagement Company	Vessel's bareboat charterer
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ National Ratification Law 12(III)/2015.

DETAILS OF CERTIFICATE FURNISHED AS EVIDENCE OF INSURANCE (Insurance/ P & I Club Blue Card)				
	Name of the Assurance Association issuing the Certificate (Blue Card)	Date of issue of the Certificate (Blue Card)	Cover commencement date	Cover expiry date
2007 NAIROBI WRECK REMOVAL				

The following are hereby attached:

- (i) Proof of payment of the prescribed fee of euro 180;
- (ii) Copy of the Certificate of Registration of the Vessel;
- (iii) Insurance/ P & I Club Blue Card;
- (iv) the required excel file duly filled in.

Declarations:

It is hereby declared on behalf of the Vessel's Owners that:

- a) they undertake to immediately notify the DMS in the event of any changes, alterations or other reasons whatsoever which may cancel, cause or constitute the Evidence of Insurance (Blue Card) null and void and that they further understand that the Certificate will cease to be valid as from the time the Evidence of Insurance (Blue Card) ceases to be in force. In such eventuality the Company undertakes to forthwith return the Certificate to the DMS;
- b) they undertake to return, within 15 days, the Certificate to the DMS or deposit it with the nearest Diplomatic Mission or Honorary Consular Officer of the Republic of Cyprus, for onwards transmission to the DMS, in case the subject vessel ceases to be registered in the ownership of the Company or the Certificate has been terminated.
- c) they note that failure to comply with the provisions of the national Law constitutes an offence punishable by an administrative fine;
- d) they note that the submission of fraudulent or deceitful information for the purpose of obtaining a Certificate, constitutes a criminal offence punishable with a sentence of imprisonment and/ or a fine.

NAME AND TITLE (Mr. ,Mrs. , Capt) OF AUTHORISED PERSON SIGNING ON BEHALF OF THE APPLICANT	SIGNATURE	DATE