

REPUBLIC



OF CYPRUS

**MINISTRY OF COMMUNICATIONS AND WORKS
DEPARTMENT OF MERCHANT SHIPPING
LEMESOS**

Circular No. 29/2006

11/12/2006

To all Owners, Managers
and Representatives of
Ships under the Cyprus Flag

To all recognised Classification Societies

**Subject: Measures to Enhance Flag State Control over Safety Standards of
Cyprus Ships**

The Department of Merchant Shipping in its effort to enhance the safety standards of Cyprus ships has introduced certain measures which were communicated with Circulars 19/2002 and 01/2004. The implementation of these measures together with other actions taken by the Department has resulted in a significant decrease of identified deficiencies and of course the number of PSC Detentions. Thus, the quality of our fleet has been upgraded significantly and Cyprus is currently on the White List of various MOUs.

Based on the contents of the aforesaid Circulars and the experience gained by their implementation the Department has decided to introduce amended instructions, attached to this Circular.

The new scheme will commence on January 1, 2007. The Department will monitor compliance with these instructions and will act accordingly.

Furthermore the Department expects that the present instructions will be communicated by the Recognised Organisations to their offices worldwide, in order to achieve full and uniform implementation.

The Department will be at the disposal of those concerned with the matter for any explanations and clarifications they may deem necessary.

The present Circular replaces Circulars Nos 19 / 2002 and 1 / 2004.

The present Circular should be kept on board vessels flying the Cyprus Flag.

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
Permanent Secretary, Ministry of Foreign Affairs
Diplomatic and Consular Missions of the Republic
Honorary Consular Officers of the Republic

Cyprus Bar Association
Cyprus Shipping Council
Cyprus Union of Ship owners

Encl.

Measures to Enhance Flag State Control over Safety Standards of Cyprus Ships

The present instructions aim at enhancing the control of the flag state over safety standards of Cyprus ships. All terms used are as defined in international conventions for the implementation of which relevant authorizations have been given to Recognized Organizations.

1 Change of Flag Surveys

- 1.1 It is noted that regardless of whether the Company remains the same as before or a change occurs, no vessel may be registered with any outstanding recommendation, in accordance with the Department of Merchant Shipping circular 20/2001. In case a deviation from this policy is requested, it should be invariably referred to this Department for consideration and relevant instructions.
- 1.2 At the time of the change of flag, the extent of the surveys in respect of safety equipment shall be upgraded to that of a renewal survey with the addition of basic ILO items as indicated in the check sheet in annex 1. The surveys for the statutory certificates other than the safety equipment, unless they fall within the windows (intermediate / periodical / renewal), shall be carried out to the extent of annual surveys.
- 1.3 The statutory survey reports for the change of flag surveys shall be made available the soonest possible to the Department of Merchant Shipping.

2 Notification after Detention

- 2.1 When a Cyprus flag ship is detained, the Company managing the ship and or the Master of the ship are obliged to:
 - Call immediately the Recognized Organization (RO) to perform surveys / audits required by the present circular;
 - Notify **within two working days from the detention date** the Department and confirm compliance with the provisions of the present circular.
- 2.2 **If a ship sails without complying with the above, then** upon arrival at the next port of call, a prohibition of sail will be issued until all required surveys / audits are completed.
- 2.3 **Furthermore an additional Company audit in the scope of an annual may be requested.**

3 Actions after Detention

- 3.1 **If a ship is detained once or twice within a period of 24 months the following surveys should be performed as appropriate:**
 - 3.1.1 If the date of the detention falls within the ± 3 month's window for annual surveys, they must be conducted before the ship sails;
 - 3.1.2 If the date of the detention falls within the window for renewal / periodical / intermediate surveys, they must be conducted to the extent possible, except for safety equipment, radio and I.O.P.P, which must be completed. A time schedule for the completion of surveys at the next convenient port must be set and they shall not be delayed until the end of the window;

- 3.1.3 If the date of the detention does not fall within appropriate windows the RO surveyor, after clearing the PSC deficiencies, will carry out a general examination of the vessel and by using his / her professional judgement will decide whether extra surveys are required. In cases where the surveyor deems that a more thorough survey is needed, the extent of the surveys will be in the scope of annual with the addition of basic ILO items (Annex 1);
- 3.2 If the RO classing the ship and its auditing organisation are different entities and during the surveys it becomes apparent that the SMS on board is not properly implemented then the surveyor should notify the ship's auditing organization and the Department of Merchant Shipping of the findings. In case the auditing organization, having assessed the findings, deems that an additional audit is necessary, it shall notify the Department of Merchant Shipping and proceed as soon as possible to conduct the additional audit of the SMS of the ship and inform the Department of Merchant Shipping and the RO classing the ship of the results;
- 3.3 **In addition to the above surveys if a ship has been detained twice within a period of 24 months (as from the date of the last detention counting backwards)** an additional shipboard audit to the extent of an initial should be performed. Furthermore an additional shore based audit to the extent of an annual should be performed not later than 30 days from the date of the detention;
- 3.4 **If a ship has been detained three times within a period of 24 months (as from the date of the last detention counting backwards)**, all statutory certificates will be suspended. In order to re instate the certificates, renewal surveys should be carried out with no outstanding items or recommendations to the extent possible, and an additional audit to the extent of an initial should be performed. Furthermore an additional shore based audit to the extent of an initial should be performed, not later than 30 days from the date of the detention;
- 3.5 **Furthermore, if a ship is detained for a fourth time within a period of 24 months (as from the date of the last detention counting backwards)**, then the vessel will be deleted from the Cyprus Registry and the DoC of the Company issued on behalf of the Republic will be re-examined.
- 3.6 The Department of Merchant Shipping may amend any of the above instructions depending on the number and the nature of the identified deficiencies.
- 3.7 The Department of Merchant Shipping may participate to any of the above surveys / audits or may request for an occasional Flag State survey / audit, at owners expenses.

4 Outstanding Recommendations

- 4.1 In case a ship is burdened with recommendations imposed either by the Department of Merchant Shipping or PSC, these shall be communicated to the RO classing the ship and the latter shall ensure that they have been rectified according to the set schedule. Otherwise the RO shall contact the Department for a decision on the action to be taken.

5 Postponement of Special Surveys

- 5.1 Applications for postponement of the special survey will be considered by the Department of Merchant Shipping only in cases where special circumstances warrant them.
- 5.2 No postponement of the special survey shall be given unless all surveys have commenced and proceeded to the extent possible. The Department may decide to deviate from this course of action only in cases of force majeure.

ANNEX 1

The check sheet attached to Annex 1 is to be used in the following cases:

1. During Change of Flag Surveys;
2. During general examination of the ship subsequent to a PSC Detention, if the date of the detention does not fall within appropriate windows for statutory surveys.

The said check sheet should always be attached to the surveys reports which should be forwarded by the RO to the Department of Merchant Shipping.