

## Shipping & Transport - Cyprus

### Nairobi Convention set to enter into force

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#### Introduction

#### Cyprus-flagged vessels

#### Other vessels

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The Nairobi International Convention on the Removal of Wrecks – which was adopted on May 18 2007 – entered into force on April 14 2015, a year after gaining approval from the requisite number of countries. Cyprus had not ratified the convention by the time it entered into force, but has since done so through Law 12(III)/2015.<sup>(1)</sup>

The convention will enter into force in Cyprus on October 22 2015 in accordance with Article 18(2). From that date, Cyprus-flagged vessels of 300 gross tonnage or more and vessels, irrespective of flag, of 300 gross tonnage or more that call at Cyprus ports or operate within Cyprus's territorial waters must carry a certificate proving that they have insurance in accordance with Article 12 of the convention. Vessels that fail to produce the requisite certificate will be liable to criminal and administrative penalties under Law 12 (III)/2015, including:

- an administrative fine;
- prohibition on sailing; and
- refusal of access to a port.

#### Cyprus-flagged vessels

Cyprus-flagged vessels must obtain the wreck removal certificate provided for in Article 12(2) of the convention punctually from the Department of Merchant Shipping, to ensure compliance with Law 12 (III)/2015 by October 22 2015. Early submission of applications is advised.

Wreck removal certificates obtained by Cyprus-flagged vessels from the maritime authorities of another state that was party to the convention before Cyprus ratified the agreement will be accepted by the Department of Merchant Shipping until they expire and need not be reissued or replaced. On expiry, the certificate should be replaced by one issued by the Department of Merchant Shipping. Similarly, if the certificate needs to be reissued (eg, as a result of a transfer of ownership, change of name or change of insurance provider), the new certificate should be issued by the Department of Merchant Shipping.

A combined application form for the issue of a wreck removal certificate – and the other compulsory insurance certificates that Cyprus requires<sup>(2)</sup> – to a Cyprus-flagged vessel is available on the Department of Merchant Shipping website. A fee of €60 is payable for each certificate.<sup>(3)</sup>

#### Other vessels

Non-Cyprus flagged vessels that call at Cyprus ports or operate within Cyprus's territorial waters must hold a wreck removal certificate issued by the maritime authorities of their flag state or, if their flag state is not a party to the convention, by the maritime authorities of a party to the convention. The Department of Merchant Shipping will issue wreck removal certificates to such vessels for a fee of €180, provided that they:

- hold a blue card issued by a member of the International Group of P&I Clubs or by another approved insurance provider; and
- are not flying a flag that appears in the Paris Memorandum of Understanding's blacklist according to its annual report for the year preceding the date of the request.

The Department of Merchant Shipping will also issue bunker certificates and passenger liability regulation certificates to such vessels.

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## Endnotes

- (1) The Nairobi International Convention on the Removal of Wrecks (Ratification) and for Matters Connected Therewith Law of 2015, promulgated on May 29 2015.
- (2) The 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage (National Ratification Law 19(III) of 2004); the 1992 International Convention on Civil Liability for Oil Pollution Damage (National Ratification Law 63 of 1989 as amended); and EU Regulation 392/2009 on the liability of carriers of passengers by sea in the event of accidents (National Law 5(I) of 2014).
- (3) The Nairobi International Convention on the Removal of Wrecks (Determination of Payable Fees) Order 2015 (Order PI 268/2015 of the minister of transport, communications and works); the International Convention on Civil Liability for Oil Pollution Damage (Determination of Payable Fees) Order 2015 (Order PI 270/2015 of the minister of transport, communications and works); the International Convention on Civil Liability for Bunker Oil Pollution Damage (Determination of Payable Fees) Order 2015 (Order PI 269/2015 of the minister of transport, communications and works); and the Merchant Shipping (Liability of Carriers of Passengers by Sea in the Event of Accidents) (Determination of Payable Fees) Notification 2015 (Notification PI 258/2015 of the Department of Merchant Shipping director).

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