

THE PROTECTION OF CYPRUS SHIPS AGAINST ACTS OF PIRACY
AND OTHER UNLAWFUL ACTS LAW OF 2012
(Law 77(I) of 2012)

CIRCULAR No. 27/2012

SUPPLEMENTARY INFORMATION

Introduction

1 Circular 27/2012 provides general information on The Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2012 (Law 77(I) of 2012). Circular 27/2012, in the English language, and Law 77(I) of 2012, in the Greek language, are available on the Department's web-site (www.shipping.gov.cy).

2 Although certain of the provisions of Law 77(I) of 2012 (the Law) can only be invoked when the ship is to navigate or is navigating through has a high-risk area, the law has a global application. The geographical coordinates defining the outer limits of the high-risk areas are specified in the First Schedule of the Law.

3 The wording of Law clearly specifies, in the Greek language, the process and procedures to be followed for, and the documentation to be submitted when, applying for:

- (1) a certificate attesting that the ship is allowed to use the services of a private ship security company, armed and unarmed private ship security guards and firearms or other specialized security equipment for the enhancement of its security (refer to section 13 and Fourth Schedule of the Law); and
- (2) a certificating attesting that a private ship security company is allowed to provide services to ships flying the Cyprus flag (refer to section 21 and Sixth Schedule of the Law).

4 A number of circulars will be issued during the next weeks highlighting, in the English language, salient aspects of Law.

Applications

5 In the meantime and for the convenience of the interested parties:

5.1 General

- (1) Application for the issue of either of the certificates referred to above can be done in one of the official languages of the Republic of Cyprus (Cyprus) or in a language understood by the Competent Authority;

- (2) The supporting documentation which is specified in the Fourth and Sixth Schedule of the Law, a provisional unofficial translations of which are attached to this note, should be in one of the official languages of the Cyprus or in a language understood by the Competent Authority;
- (3) The supporting documentation which is not in one of the official languages of the Cyprus or in a language understood by the Competent Authority should be accompanied with official translation into one of the aforesaid languages;
- (4) The English language should be considered as a language understood by the Competent Authority. The Department should be consulted for other languages understood by the Competent Authority;
- (5) All applications should be addressed and sent to:

In case of hand delivery

Acting Director
Department of Merchant Shipping
1 Kyllinis Street
CY-4007 Mesa Getonia
CYPRUS

In case of postal delivery

Acting Director
Department of Merchant Shipping
P.O.Box 56193
CY-3305 Limassol
CYPRUS

- (6) The application should be accompanied by the original and a copy of the supporting documentation;
- (7) In addition to what is set out in the Law, the applications should state the name and contact details (telephone and facsimile number and e-mail address) of the person who is dealing with the matter at the offices of the applicant and, in case of application made by the legal or the authorized representative of the applicant, the name and contact details(telephone and facsimile number and e-mail address) of the person dealing with the matter at the offices of the legal or authorized representative; and
- (8) In accordance with the provisions of the Law all applications and the related documents is considered as confidential. Thus, the applications and the related documentation should be sealed in an envelope which should be clearly marked on the outside "Law 77(I) of 2012".

5.2 Applications relating to ships

- (1) The preferred approach is to submit a separate application for each ship;

- (2) The application may be made by the registered owner or the registered bareboat charterer of the ship or on their behalf by the Company (as defined in SOLAS chapters IX and XI-2 and in the ISM and ISPS Codes) operating the ship or by the legal or authorized representative of anyone of them in Cyprus; and
- (3) In case the applicant is not a legal entity incorporated and existing under the Cyprus laws, then the applicant is required to designate an authorized representative in Cyprus, who may be the same as the authorized representative which has been designated for the purposes of the registration of the ship under the Cyprus flag.

5.3 Applications relating to private ship security companies

- (1) A private ship security company may be a legal entity incorporated and existing under the laws of:
 - (a) the Republic of Cyprus and has its registered office in the Republic, or
 - (b) any other Member State of the European Union and has its registered office, central administration or principal place of business within the European Union and which will appoint and maintain an authorized representative in Cyprus, or
 - (c) any other State, with the permission of the Minister of Communications and Works, and which will appoint and maintain an authorized representative in Cyprus having its place of business in Cyprus; and
- (2) The application may be made by the private ship security company or by its legal or authorized representative in Cyprus.

Payable fees

6 The Law stipulates that for the consideration of the relevant application the prescribed fee in that respect shall be paid. However, the Law allows, for six months from its entry into force, the levying of fees on a case by case basis. The Department will, upon receipt of an application, advise the applicant of the fees which should be paid for consideration of its application.

Further information

7 All inquiries shall be addressed to the Department of Merchant Shipping as set out in paragraph 5.1(4).

Facsimile messages should be sent to:

+ 375 25 848 200

Electronic mail messages should be sent to:

maritime.security@dms.mcw.gov.cy

Contact telephone numbers of the officers dealing with related issues:

George M Demetriades	+ 357 25 848 263
George Stylianides	+ 357 25 848 283
Aristos Constantinou	+ 357 25 848 172
Charalambos Panayi	+ 357 25 848 204

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FOURTH SCHEDULE
(provisional unofficial translation)

Application for the issue of a certificate allowing
the use of a private ship security company
{Section 13(2)}

The information to be included in the application and the documents which are required to be submitted with the application are:

- (1) the name, call sign and ship identification number of the ship;
- (2) the name and address of the registered office of the private ship security company;
- (3) the assessment of the risks and a description of security measures which will be implemented by the private ship security company;
- (4) the description of firearms and/or special security equipment to be used;
- (5) the place, port, port facility or sea area, where the embarkation and disembarkation of the private ship security guards is expected to take place and the related dates;
- (6) the place, port, port facility or sea area, where the loading and unloading of the firearms and/or special security equipment is expected to take place and the related dates;
- (7) the description of voyages or the itinerary of the ship; and
- (8) a copy of the written private agreement with the private ship security company which has been signed or the ship's operator has an intent to sign.

Subject to the provisions of the Law, the written private agreement may use the template provided by the GUARDCON standard contract for the employment of security guards on vessels of the Baltic and International Maritime Council (BIMCO), as this template may be amended, and this may include any other duties the ship's operator is contemplating to contract to the private ship security company.

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SIXTH SCHEDULE
(provisional unofficial translation)

Application for the issue of a certificate allowing
the provision of services by a private ship security company
{Section 21(2)}

The information to be included in the application and the documents which are required to be submitted with the application are:

- (1) the name and address of applicant;
- (2) certificate of incorporation or registration¹, as a body corporate or partnership, of the legal entity for which application is made;
- (3) certificate of the address of the registered office² of the legal entity;
- (4) certificate of shareholders or partners³ of the legal entity;
- (5) certificate of directors and secretary⁴ of the legal entity;
- (6) the name, surname, nationality, identity card or passport or travel document number, work telephone number, usual residence address, academic and/or other qualifications, previous occupations and/or activities and relevant experience of the directors (or partners, in case of partnership), the secretary and of the manager(s) of the legal entity;
- (7) the name, surname, nationality, identity card or passport or travel document number, work telephone number, usual residence address, academic and/or other qualifications, previous occupations and/or activities and relevant experience of the physical person responsible for the legal entity for purposes of this Law;
- (8) the address of the office(s) from where the legal entity is conducting its activities or operations and, for each of such offices, the office

¹ Or the related document attesting the incorporation of the legal entity issued by the authorities of the State where the legal entity has been incorporated.

² Or the related document attesting the address of the registered office of the legal entity issued by the authorities of the State where the legal entity has been incorporated.

³ Or the related document attesting the shareholders or partners of the legal entity issued by the authorities of the State where the legal entity has been incorporated.

⁴ Or the related document attesting the directors and secretary of the legal entity issued by the authorities of the State where the legal entity has been incorporated.

business hours, the telephone and facsimile numbers and e-mail address, including those applicable outside office business hours;

- (9) the name, surname, nationality, identity card or passport or travel document number and the title of all persons working for or employed by the legal entity;
- (10) the name, surname, nationality, identity card or passport or travel document number, work telephone number, usual residence address, academic and/or other qualifications, previous occupations and/or activities and relevant experience of the persons employed or working for the legal entity as private ship security guard who may be responsible for carrying out work aboard a ship in relation to the implementation of a written private agreement;
- (11) the description of the activities and services the legal entity provides, its organizational structure and the administrative and supervisory arrangements for the management of the work performed;
- (12) the description of the services the legal entity offers or intends to offer in relation to the provisions of the Law and for which the application is made and the relevant to the services offered types of ships;
- (13) the description⁵ of the firearms and/or special security equipment which may be used and their identification and tracing⁶ details;
- (14) a declaration* of the applicant or of the legal entity that the legal entity is satisfied and undertakes to ensure that its shareholders or partners, directors, managers, secretary, the person responsible for the legal entity for purposes of the Law, the private ship security guards referred to in subparagraph (10) of this Schedule, and all other persons employed by, or working for, the legal entity do not fall within the provision of section 20(3)(a) of the Law;

⁵ The type and model of the firearms, including the name of the manufacturer, the country or place of manufacture, the serial number and the year of manufacture (if not part of the serial number), a unique number or alphanumeric code, if available and a reference to the category within the meaning of the Third Schedule of the Law.

⁶ "*Tracing*" shall mean the systematic tracking of firearms and, where possible, their parts and ammunition from manufacturer to purchaser and/or user for the purpose of assisting their detection and for investigating and analysing illicit manufacturing and illicit trafficking.

* Section 92 of the Law provides:

(1) Declarations required by the Law shall be made before the Competent Authority or a judge or other person entitled to administer oaths, or a consular officer of the Republic.

(2) Declarations required by the Law may be made on behalf of a legal entity by the secretary or any other officer of the legal entity authorised by it for the purpose.

However, for legal entities not incorporated under the laws of the Republic of Cyprus, declarations by the secretary is subject to the provisions of the laws of the State where the legal entity has been incorporated.

- (15) a declaration* of the applicant or of the legal entity that the legal entity has lawfully acquired and lawfully possesses the firearms and/or specialized security equipment it intends to use for the provision of its services and that they will remain in its possession and will not be sold or given for use by other States or other natural persons or legal entities after the completion of their usage on-board;
- (16) a declaration* of the applicant or of the legal entity that the legal entity undertakes the responsibility to compensate the persons on board the ship and the ship's operator for any damage they suffer due to its fault or negligence, or due to the fault or negligence of the private ship security guards or of any other person it employs or is working for it;
- (17) a declaration* of the applicant or of the legal entity that the private ship security guards referred to in subparagraph (10) of this Schedule have in force contract of employment with the legal entity and that they are trained, to a degree that satisfies the legal entity, in transportation, handling, storage, stowage and use of firearms and/or specialized security equipment it intends to use for the provision of its services;
- (18) a declaration* of the applicant or of the legal entity that the legal entity undertakes and assumes, irrevocably, the responsibility for health care and the repatriation of private ship security guards on whom will entrust the implementation of a written private agreement and of the other persons it employs or work for it which may go on board on its instructions;
- (19) a declaration* of the applicant or of the legal entity that the legal entity agrees, undertakes and assumes, irrevocably, the obligation to abide by and implement the provisions of the Law and to cooperate, obey and implement the decisions and directives of the Competent Authority;
- (20) a declaration* from each of the directors, managers, secretary, the person responsible for the legal entity for purposes of the Law, the private ship security guard ships referred to in subparagraph (10) of this Schedule and from all other persons employed by, or working for, stating that he/she does not fall within the provision of section 20(3)(a) of the Law and that he/she agrees, undertakes and assumes, irrevocably, the obligation to abide by and implement the provisions of the Law and to cooperate, obey and implement the decisions and directives of the Competent Authority; and
- (21) in the cases specified in sections 20(2)(b) and 20(2)(c) of the Law, the declaration* appointing an authorized representative and a declaration* of the authorized representative that it does not fall within the provisions of section 20(3)(a) of the Law.