

Subject

Measures by ClassNK in response to Circular No.1/2004 issued by the Cyprus Government

# **ClassNK**

## **Technical Information**

No. TEC-0589  
Date 5 July 2004

To whom it may concern

Circular No.1/2004 "Instructions to Recognised Organizations to enhance Flag State Control over Safety Standards of Cyprus Standards of Cyprus Ships" has been issued by the Cyprus Government. The Circular has been issued to amend Circular No.19/2002 issued by the Cyprus Government with the intention of the enhancing safety standards of Cyprus flag ships and eliminating their detention by Port State Control. ClassNK has advised on Circular No.19/2002 by ClassNK Technical Information No. TEC-0479 dated 25 August 2002. The Cyprus Government has requested ClassNK to implement surveys and audit on Cyprus flag ships in accordance with the Circular No.19/2002 amended by Circular 1/2004. Contents of Circular No.19/2002 amended by Circular 1/2004, and measures by ClassNK in the amended Circular are as follows.

1. Change of flag surveys to Cyprus flag.

No change has been made. Please refer to ClassNK Technical Information No. TEC-0479.

2. In case where Cyprus flag ships are detained by Port State Control.

When Cyprus flag ships are detained by Port State Control, the managing company or the shipmaster is requested to inform the Cyprus Government and to call ClassNK to attend the ships. The surveyors should not limit a inspection to the deficiencies pointed out, and should carry out the surveys and audits following (1), (2), and (3) below based on the number of detentions. In case where ClassNK has not issued Safety Management Certificate (SMC) for the ship, and/or ClassNK has not issued Document of Compliance (DOC) for the managing company, the organization having issued SMC and/or DOC carries out the audit. As for the number of detentions, detentions on and after 1 January 2004 are counted.

If this contact is not made, the following surveys and audits are requested to be carried out.

- An additional audit of the company to the extent of an initial audit, and
- The surveys requested to be carried out in cases of (1), (2), and (3) below, and an additional shipboard audit. The extent of the additional audit is as follows.
  - (i) In case where the date of detention is within twelve months or less from the date of the initial /renewal audit or less than six months prior to the renewal audit, the extent of the additional audit is equivalent to the mandatory initial audit of the shipboard part.

(To be continued)

NOTES:

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- Back numbers are available on ClassNK Internet Homepage (URL: [www.classnk.or.jp](http://www.classnk.or.jp)).

- (ii) In cases where the date of detention is other than (i) above, the extent of the additional audit is equivalent to the mandatory intermediate audit of the shipboard part.
- (1) In cases where Cyprus flag ships are detained for the first time on and after 1 January 2004.
- (i) In cases where the date of detention falls within the survey due range of the statutory intermediate, periodical or annual surveys, the surveys are requested to be carried out before the ship sails. In case where the date of detention falls within the survey due range of the statutory renewal surveys, the surveys are to be carried out to the extent possible, except for safety equipment and safety radio, which are requested to be carried out and completed. A time schedule, which does not exceed the validity dates of each statutory certificate, for completion of renewal surveys at the next convenient port is requested to be set, if the renewal surveys are not completed.
- (ii) In cases where the date of detention does not falls within the survey due range of the statutory renewal, intermediate, periodical or annual surveys, after clearing the deficiencies pointed out by Port State Control, the surveyors are to carry out an inspection using the ILO check sheet and attached ISM checklist, and decide whether more thorough surveys are required or not. The ISM checklist has been prepared by IACS (International Association of Classification Societies) with the intention that the surveyors can examine the functioning of the safety Management System using the checklist during class or statutory surveys, and has already been used from 1 April 2002. (ClassNK has advised about using the ISM checklist by Technical Information No.TEC-0445 dated 29 March 2002)
- (iii) If the surveyors decide that more thorough surveys are required, the surveyors are to carry out the surveys. In such cases, each statutory survey is to be carried out to the extent of an annual survey except for safety equipment, the extent of which is to be as per a renewal survey.
- (2) In cases where Cyprus flag ships are detained twice within two years on and after 1 January 2004.
- In addition to 2. (1) above, the following audits are requested to be carried out.
- An additional audit of the company. The extent is decided after consulting the Cyprus Government, and
  - Joint audit and inspection of the ship with the Cyprus Government. The extent of the additional audit is as follows.
- (i) In case where the date of detention is within twelve months or less from the date of the initial /renewal audit or less than six months prior to the renewal audit, the extent of the additional audit is equivalent to the mandatory initial audit of the shipboard part.
- (ii) In cases where the date of detention is other than (i) above, the extent of the additional audit is equivalent to the mandatory intermediate audit of the shipboard part.

(To be continued)

- (3) In cases where Cyprus flag ships are detained three times within two years on and after 1 January 2004.  
When a Cyprus flag ship is detained three times within two years on and after 1 January 2004, all statutory certificates of the ship are suspended as from the date of the detention, and an additional audit of the company to the extent of an initial audit is requested to be carried out.  
All statutory certificates will be reinstated provided that;
- Additional survey to the extent of renewal survey has been carried out, and there are no or close to no outstanding recommendations, and
  - An additional shipboard audit has been carried out. The extent of the additional audit is as follows.
- (i) In case where the date of detention is within twelve months or less from the date of the initial /renewal audit or less than six months prior to the renewal audit, the extent of the additional audit is equivalent to the mandatory initial audit of the shipboard part.
  - (ii) In cases where the date of detention is other than (i) above, the extent of the additional audit is equivalent to the mandatory intermediate audit of the shipboard part.
3. In case where Cyprus flag ships are banned by a specified MOU.  
When a Cyprus flag ships is banned by a specified MOU, all statutory certificates of the ship are suspended as from the date of the detention, and an additional audit of the company to the extent of an initial audit is requested to be carried out.  
All statutory certificates will be reinstated provided that;
- Additional survey to the extent of renewal survey has been carried out, and there are no or close to no outstanding recommendations,
  - An additional shipboard audit to the extent of an initial audit has been carried out, and
  - The ban has been lifted by the Specified MOU.
- Currently, only Paris MOU is regarded as a specified MOU.
4. In case where Cyprus flag ships are detained fourth times within two years on and after 1 January 2004, or banned for the second time by a specific MOU.  
When Cyprus flag ship is detained fourth times within two years on and after 1 January 2004, or banned for the second time by a specific MOU, the ship is deleted from Cyprus registry, and re-examination of the Document of Compliance (DOC) of the company is requested to be carried out.
5. In case where deficiencies which do not result in detention, are pointed out by Port State Control. No change has been made with regard to measures by ClassNK. Please refer to ClassNK Technical Information No. TEC-0479.  
In Circular No.1/2004, the managing company or the shipmaster is requested to inform the Cyprus Government when deficiencies are pointed out by Port State Control. Please inform the Cyprus Government in addition to ClassNK in this case.

(To be continued)

6. In cases where outstanding recommendations are imposed either by the Cyprus Government or Port State Control.  
No change has been made. Please refer to ClassNK Technical Information No. TEC-0479.
7. In cases where Cyprus ships are detained by Port State Control, and the contents of the PSC inspection report have a reference to an ISM major non-conformity.  
No change has been made. Please refer to ClassNK Technical Information No. TEC-0479.
8. Postponement of Renewal Surveys  
No change has been made. Please refer to ClassNK Technical Information No. TEC-0479.

When Cyprus flag ships are detained by Port State Control, or deficiencies which do not result in detention, are pointed out by Port State Control, the managing company or the shipmaster is requested to inform the Cyprus Government in addition to ClassNK in Circular No.1/2004. (Please refer to item 2. and 5. above) Contact information of the Cyprus Government is as follows.

Department of Merchant Shipping  
Kylinis Street, Mesa Geitonia, CY 4007 Lemesos  
P.O.Box 56193, CY 3305, CYPRUS  
Tel: +357 25 848100  
Fax: +357 25 848200  
e-mail: maritimeadmin@dms.mcw.gov.cy

As ClassNK has informed by ClassNK Technical Information No. TEC-0479, carrying out the prescribed surveys and/or audits to Cyprus Flag ships in accordance with the Circular No. 19/2002 amended by Circular 1/2004, it is expected that ClassNK can't carry out the surveys and/or audits in case where ClassNK is not informed from the person and parties concerned. Accordingly, please contact ClassNK in the following case without delay.

1. In cases where carrying out Flag change surveys to Cyprus Registry.
2. In cases where Cyprus ships are detained by Port State control.
3. In case where deficiencies which do not result in detention, are pointed out by Port State Control, and attendance of surveyors of ClassNK to the ship is required.
4. In cases where outstanding recommendations are imposed either by the Cyprus Government or Port State Control.
5. In cases of postponement of renewal survey
6. In case where Cyprus ships are detained by Port State Control, and the contents of PSC inspection report have a reference to an ISM major non-conformity.
7. In case where Cyprus ships are detained port state control twice within 12 months.

(To be continued)

In cases of 1., 2. and 3. above, please present a survey application to our branch office which has jurisdiction over the place of survey.

In cases of 4. and 5. above, please contact :  
NIPPON KAIJI KYOKAI (ClassNK)  
Survey Department, Administration Center, Head Office  
Tel.: +81-3-5226-2027 / 2028  
Fax: +81-3-5226-2029  
E-mail svd@classnk.or.jp

In cases of 6. and 7. above, please contact :  
NIPPON KAIJI KYOKAI (ClassNK)  
Safety Management Systems Department, Information Center, Head Office  
Tel.: +81-43-294-5999  
Fax: +81-43-294-7206  
E-mail smd@classnk.or.jp

For any questions about the above, please contact:

NIPPON KAIJI KYOKAI (ClassNK)  
External Affairs Division, Administration Center, Head Office  
Address: 4-7 Kioi-cho, Chiyoda-ku, Tokyo 102-8567, Japan  
Tel.: 03-5226-2038  
Fax: 03-5226-2039  
E-mail: xad@classnk.or.jp

Attachment:

Circular No.1/2004 "Instructions to Recognized Organizations to enhance Flag State Control over Safety Standards of Cyprus Ships"

REPUBLIC



OF CYPRUS

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

Circular No 1/2004

7 January 2004

To all Owners, Managers  
and Representatives of  
Ships registered in Cyprus

To all recognised Classification Societies  
and Inspectors of Cyprus Ships

**Subject: Instructions to Recognised Organisations to enhance Flag State Control over  
Safety Standards of Cyprus Ships**

Further to our circular 19/2002, having noted that the said circular has not been always properly enforced by all parties concerned, the Department of Merchant Shipping has decided to amend the relevant procedures as described in the attached document.

All owners, Managers and Masters of Cyprus flag vessels are urged to comply with the requirements of the new procedures.

Serghios S. Serghiou  
Director  
Department of Merchant Shipping

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

Cyprus Bar Association  
Cyprus Shipping Association (Sea Rovers) Ltd  
Cyprus Shipping Council  
Union of Cypriot Shipowners

MS/CE DMS/MO Piraeus  
MS/CHC DMS/MO London  
MS/CG DMS/MO New York  
CC DMS/MO Rotterdam  
CC DMS/MO Hamburg

Encl.

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

## **INSTRUCTIONS OF THE DEPARTMENT OF MERCHANT SHIPPING TO ITS RECOGNISED ORGANISATIONS.**

The present instructions aim at enhancing the control of the flag state over safety standards of Cyprus ships. These are additional instructions to our circular 19/2002. 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**

The provisions of circular 19/2002 apply

### **2. Surveys after Detention**

#### **2.1. Surveys after 1<sup>st</sup> Detention (as from 1<sup>st</sup> January 2004)**

**When a Cyprus flag ship is detained, the Company managing the ship or the Master of the ship are obliged to inform the Flag Administration and to call immediately the Recognized Organization (RO) to attend.** The surveyor of the RO shall not limit the inspection to the deficiencies noted by Port State Control. Failure to comply will generate the following:

- An additional audit of the Company to the extent of an Initial audit, due to failure to comply with National requirements,
- Upon arrival at the next port of call, the vessel will be issued with a prohibition of sail until all required surveys are completed and an additional shipboard audit in accordance with section 5 is carried out.

2.1.1. If the date of the detention falls within the  $\pm 3$  month's window for statutory surveys, they shall be conducted before the ship sails. In the case of renewal surveys, they shall be conducted to the extent possible, except for safety equipment and radio, which shall be completed. A time schedule for the completion of surveys at the next convenient port shall be set and they shall not be delayed until the end of the window.

2.1.2. If the date of the detention does not fall within the  $\pm 3$  months' window the RO surveyor, after clearing the PSC deficiencies, will carry out a general examination of the vessel including the items listed in Annex 1 and will ask the questions listed in Annex 2. Then, using his professional judgement he will decide whether extra surveys are required.

2.1.3. In cases where the surveyor deems that a more thorough survey is needed, he will proceed as required for the change of flag when accompanied by a change of the Company (see item 1.4 of circular 19/2002). The RO shall send to the Department of Merchant Shipping copies of the reports of such cases.

#### **2.2. Surveys after 2<sup>nd</sup> Detention (as from 1<sup>st</sup> January 2004)**

When a Cyprus flag ship is detained twice within two years as from 1<sup>st</sup> January 2004 (irrespective of the detaining authority / MOU), in addition to the provisions of paragraph 2.1 the following will be applied:

- 2.2.1. Additional audit of the shore based SMS. The extent will be decided in cooperation with the RO taking into account the number and nature of the deficiencies.
- 2.2.2. Joint audit and inspection of the ship by Flag and the RO. All the expenses will be on owners' or managers' account. The extent of the audit will be in accordance with the provisions of section 5.

**It is again emphasised that the Company managing the ship or the Master of the ship are obliged to inform the Flag Administration about the detention and to call immediately the Recognized Organization (RO) to attend.**

### **2.3. Surveys after 3<sup>rd</sup> Detention (as from 1<sup>st</sup> January 2004)**

When a Cyprus flag ship is detained three times within two years as from 1<sup>st</sup> January 2004(irrespective of the detaining authority / MOU), the following will be applied:

- 2.3.1. All statutory certificates will be suspended as from the date of the detention.
- 2.3.2. An Initial audit of the Company will be required
- 3. All statutory certificates will be reinstated provided that:
  - 3.1.1.1. The RO has carried out renewal surveys and there are no outstanding items or recommendations to the extent possible
  - 3.1.1.2. The RO has carried out a shipboard audit. The extent of the audit will be in accordance with the provisions of section 5.

### **3.2. Banned Ships**

When a Cyprus flag ship is banned by a specific MOU the following will be applied:

- 3.2.1. All statutory certificates will be suspended as from the date of the detention.
- 3.2.2. An Initial audit of the Company will be required
- 3.2.3. All statutory certificates will be reinstated provided that:
  - 3.2.3.1. The RO has carried out renewal surveys and there are no outstanding items or recommendations to the extent possible
  - 3.2.3.2. The RO has carried out initial shipboard audit
  - 3.2.3.3. The PSC authority which has banned the vessel has re-inspected it and the ban has been lifted.

**3.3. Furthermore, if a ship is detained for a fourth time within two years as from 1<sup>st</sup> January 2004(irrespective of the detaining authority / MOU), or if the ship is banned for a second time by a specific MOU, then the following will be applied:**

- 3.3.1. The vessel will be deleted from the Cyprus Registry**
- 3.3.2. The DoC of the Company issued on behalf of the Republic will be re-examined**

**3.4. It should be noted also that, whenever a ship is detained, all Inspectors of Cyprus ships will be notified, to consider the vessel in question as priority 1 for inspection upon arrival to their area of responsibility.**

### **4. Surveys after PSC inspection with deficiencies identified, which did not warrant detention**

- 4.1. The RO should inform the Department of such cases which are brought to their attention by PSC authorities. The Department will decide whether the case warrants further investigation. On the basis of the results of this investigation, the Department in consultation with the RO will decide on any future action. **However it is still the Company's or the Master's obligation to inform the Flag Administration. Failure to do so might lead to an additional shore based audit.**

### **5. Outstanding Recommendations**

5.1. 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.

## **6. ISM**

The provisions of circular 19/2002 apply

## **7. Postponement of Special Surveys**

The provisions of circular 19/2002 apply