



REPUBLIC OF CYPRUS

**SHIPPING DEPUTY MINISTRY TO THE PRESIDENT**

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**Subject: Impact Analysis of the International Maritime Organization (IMO)**

I refer to the “Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (SR on toxics and human rights)” and the letter of your office to the Permanent Mission of Cyprus in Geneva dated 22 January 2021 and I attached herewith the answered questionnaire.

We remain at your disposal for any further information you may require.

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**Questionnaire for Governments** Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (SR on toxics and human rights)

**“Impact analysis of the International Maritime Organization (IMO)”**

1. What are the 3-5 main issues concerning protection of human health and the environment that the IMO should strengthen?

Ship recycling, Emissions, Noise reduction, sea pollution (ballast, etc)

2. What is the status of implementation of the IMO Conventions by your Government? What is the status of implementation of IMO international regulations, global standards, conventions and codes (including the IMDG Code to regulate the transportation of hazardous materials) related to the carriage of dangerous goods and pollution in your country?

Cyprus has ratified all IMO conventions and codes and exercises its authority in the implementation. Penalties have been included in the ratifying laws and procedures for violators.

3. In your experience, what, which are the main obstacles towards the ratification and implementation of IMO conventions, including the Fund Convention and Bunkers Convention, as amended, relating to oil pollution damage?

Both the 1992 Civil Liability Convention and the 1992 Fund Convention, which is supplementary to the latter Convention have been ratified by the majority of Countries, including Cyprus. The 1992 Fund Convention has been ratified by 118 States whereas the 1992 CLC Convention has been ratified by 141 States (the combined merchant fleets of which respectively constitute approximately 94% and 97% of the gross tonnage of the world's merchant fleet).

The 2001 Bunkers Convention has been ratified by 100 States, the combined merchant fleets of which constitute approximately 95% of the gross tonnage of the world's merchant fleet. Cyprus is also a party to this Convention.

Therefore, due to the significant number of States that have ratified the aforementioned Conventions (1992 CLC & Fund and 2001 Bunkers), Cyprus is of the view that no obstacles can be identified towards the ratification of these Conventions.

Nevertheless, States which do not receive large quantities of contributing oil in a calendar year (below one million tons) may be reluctant to ratify the 2003 Fund Supplementary Protocol, which has been ratified by 32 States to date, due to the following provision:

**“ARTICLE 14**

1. *Notwithstanding article 10, for the purposes of this Protocol there shall be deemed to be a minimum receipt of 1 million tons of contributing oil in each Contracting State.*
2. *When the aggregate quantity of contributing oil received in a Contracting State is less than 1 million tons, the Contracting State shall assume the obligations that would be incumbent under this Protocol on any person who would be liable to contribute to the Supplementary Fund in respect of oil received within the territory of that State in so far as no liable person exists for the aggregated quantity of oil received.”*

4. What kind of support, including trainings, capacity building and technical cooperation, do you receive from the IMO in order to improve such implementation?

Cyprus receives no support from IMO in technical cooperation or capacity building. On the contrary, Cyprus supports IMO in the above stated functions by offering experts to assist other IMO member states or IMO itself.

5. What measures has your country taken to address the risks posed by heavy fuel oil (HFO)?

Preparation and Implementation of National Contingency Plan, along with full implementation of IMO relevant regulations.

6. What challenges has your country faced in implementing the recommendations of the IMO’s Audit Scheme?

Cyprus was scheduled to perform the IMSAS in October 2020 but due to the Coronavirus pandemic it has been postponed for October 2021 therefore no recommendations are issued as yet. Our intention is to fully consider and respond as appropriate to any recommendations issue.

7. How could the transparency of the IMO be further enhanced?

All the results of the IMSAS become mandatory public documents. MS will have to agree to that. Creation of official IMO document as to the reporting to the organization obligations of MS and public access to GISIS.

8. What measures has your country taken to address fraudulent registries of vessels?

Any information received by a reliable source is conveyed to the PSCO and if an alleged registered vessel arrives to the ports of Cyprus an inspection will be performed and a verification of its registry with the flag will be performed.

9. How could access to IMO instruments and official documents be enhanced free of cost, such as access to the IMDG Code?

IMO to offer all publications for free and as a compensation for lost income an increase of the MS contribution should be levied.

10. How could the effectiveness of IMO instruments be further enhanced? In this regard, how could capacity building further be strengthened to enhance effectiveness of IMO instruments?

With appropriate understanding of the requirements of the instruments by the Member States and systematic appliance of those. A uniform approach to the instruments by all could assist. Assistance to States that need expertise to apply or monitor the progress should be provided. IMSAS is a step forward for recognizing countries that need assistance but at the same time a way to make it more effective should be discussed. As is today IMSAS is just an informative way to States and their peers of the situation that exists in a country. There are no real enforcement measures to persuade a State to take action in correcting its shortcomings if they do not desire to do so.

11. How could the IMO make further progress to reduce emissions of greenhouse gases from vessels and contribute to the Paris Agreement on Climate Change's objectives? Which measures and good practices have been implemented by your country to reduce air pollution associated with marine shipping and to regulate greenhouse gas emissions from international shipping?

Cyprus fully supports the Initial Strategy adopted by IMO in 2018, which sets ambitious - yet realistic - GHG reduction objectives

In order to reach the 2050 targets and beyond as stipulated by the IMO Strategy, it is necessary to develop low-carbon and zero-carbon technologies and fuels that will be the basis of the transition gradually to the 2050 targets and towards a complete decarbonization of shipping.

For the time being technologies necessary to achieve these targets do not exist or are not commercially viable for widespread use by international shipping, therefore the necessary funding of research and development activities are more than necessary.

In the near future IMO will revise the Strategy on GHG reduction, and is expected that it would become more ambitious.

At National level, Cyprus Shipping Deputy Ministry (SDM) has announced a new range of green incentives to reward vessels that demonstrate effective emissions reductions. From January 2021, annual tonnage tax will be reduced by up to 30% for each vessel that demonstrates proactive measures to reduce its environmental impact, ensuring shipowners are rewarded for sustainable shipping efforts.

The Cyprus flag will provide a 'discount' on its Tonnage Tax System by comparing what emissions reductions are required of a vessel, with what it actually achieves. For example:

EEDI - vessels that have achieved further reduction of their attained EEDI compared to the required EEDI.

IMO DCS - Ships which demonstrate reduction of the total fuel oil consumption in relation to the distance travelled, compared to the immediately previous reporting period will obtain an annual tonnage tax rebate.

Alternative fuels - vessels using an alternative fuel and achieving CO<sub>2</sub> emissions reductions of at least 20% will receive a rebate on annual tonnage tax

12. What has been your country's experience with traffic lanes and routes, emission control areas, and particularly sensitive sea areas?

No such routes within our jurisdiction.

13. Which good practices, protocols and security measures have been implemented with regard to the carriage of hazardous materials? Which measures, protocols and good practices have been implemented to end the occurrence of accidental spills, including oil spills, Hazardous and Noxious Substance (HNS) spills, spills associated with these nonhazardous cargos, and to mitigate their impacts in case an accident occurs? Can you indicate any example of remedies or compensation provided to victims of accidental spills?

Among the various prevention and preparedness measures taken to ensure that safety concerns are adequately being addressed so as to eliminate possible occurrence of accidental oil spills is the requirement of offshore and onshore facilities and operators to anticipate and plan for responding to oil spill emergencies through maintaining Facility Contingency Plans. These plans provide instructional actions specific to initiating and conducting oil spill response operations, based on risk analysis and sensitivity mappings. Most importantly, the "National Contingency Plan for Oil Pollution Combating", recently being reviewed and revised in line with EU and International treaties as well as based on contractual obligations arising from the 1976 Convention for the Protection of the Mediterranean Sea Against Pollution (the Barcelona Convention) provides the structural administrative mechanism, the response and combat logistics. On operational level, the National Combat Agency through envisioning the upgrading of its manpower and oil response assets within the next two years while having already a

proven record of high level of preparedness and rapid response means, aspires to be highly capable to address Tier I, II and even III oil spill pollution incidents, in collaboration with third parties.

In addition, Cyprus Port Authorities has adopted and implement special measures for the Handling of Dangerous Goods in Port Areas in an attempt to minimize the possibility of an accident to be occurred.

14. Which standards and security measures have you implemented in order to ensure sustainable ship recycling across the board? Do you have any experience in addressing the practice of beaching of vessels for shipbreaking?

Implementation of Regulation (EU) No 1257/2013 on ship recycling .

15. What remedies are available to persons in your country for pollution damages related to shipping? What obstacles do persons in your country face in accessing effective remedies for pollution related to shipping?

Cyprus is a Contracting State to the following IMO Civil Liability Conventions relating to oil pollution:

- 1992 Fund Convention
- 1992 Civil Liability Convention
- 2001 Bunkers Convention
- 1996 Limitation of Liability Convention on Maritime Claims (LLMC as amended).

Therefore, the remedies available to persons in our country for pollution damages are governed and provided for by the aforementioned international instruments (first tier of Compensation: Shipowners' Protection and Indemnity Insurance, second tier of compensation for oil: Fund Convention). No obstacles in accessing effective remedies have been identified.

16. Which kind of protocols and good practices concerning maritime security measures, including with regard to ship and port facilities, have been put in place by your Excellency's Government?

The Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2012 (the Law) has been designed to enhance the security of ships flying the Cyprus flag (Cyprus ships) whilst at sea and, inter alia, establishes the required legislative framework for permitting the use, in a regulated manner, of privately contracted unarmed and armed security personnel on board Cyprus ships when they are sailing through high risk areas such as the North West Indian Ocean or along the West coast of Africa in the Gulf of Guinea.

Its scope goes beyond acts or attempted acts of piracy and addresses all forms of unlawful acts against a ship or attempts to violate the security of the ship.

To this end, the Law includes a broad definition of “unlawful acts” which is void of motive and refers to any act or suspicious act or circumstance which, by its nature or context, threatens the security of the ship or may cause damage to the ship or to the persons on board or to the cargo. The Law provides that Cyprus ships are required to implement, in addition to the special measures to enhance maritime security as set out in SOLAS chapter XI-2 and the ISPS Code, compulsory security measures when navigating through risk and high-risk areas.

As far as protocols and good practices concerning maritime security measures with regard to Ports and Port Facilities in the Republic of Cyprus, the following are in place:

Approved ISO standard procedures are in place that describe step by step actions taken by the appropriate personnel of SDM (Shipping Deputy Ministry to the President) for the verification of Ports/Port Facilities and issue/endorse a Statement of Compliance.

On top of the above all approved, Ports and Port Facilities in the Republic, are governed by and fulfil specific requirements as set out in: The ISPS Code (International Ship & Port Facility Security) of the IMO Regulation of the European Parliament and of the Council on enhancing ship and port facility security - Reg. (EC) No. 725/2014 (+National Program as required by the regulation)

Directive 2005/65/EC of the European Parliament strengthening port security.

Cyprus National Law for the enhancement of port security - Law 115(I)/2007. For the purposes of harmonization with the above European Community Act (Directive)

In a nutshell - among other tasks and obligations - Administrative and control tasks (i.e., regular scheduled/unscheduled inspections) are carried out, pursuant to the provisions of the special measures to enhance maritime security of the SOLAS Convention and of the ISPS Code. Each and every time it is ensured that all necessary means are allocated and effectively provided for the implementation of the provisions of the Protocols.

Moreover, day to day strong communication and cooperation bonds have been established over the years, ensuring optimum levels of professional cooperation between the Competent Authority and Port Facilities Authorities (PFSOS (Port Facility Security Officers)).

17. Which kind of good practices and protocols concerning health and security on ships have been implemented in your country?

Cyprus ratified related ILO Conventions, STCW Convention and transposed EU acquis.

Seafarers shall be fit for duty and hold a valid medical examination certificate issued by approved medical practitioners or by or on behalf a Party to the STCW convention.

The provisions of Title 4 of the regulations and the Code of MLC, 2006 as amended (Medical care on board and ashore) are applicable to all ships flying Cyprus flag.

The Cyprus Code of Safe Working Practices for Seafarers has been published to assist the shipowners to evaluate the risks to which seafarers are exposed, and implement Measures for the prevention of occupational accidents.

Radio Emergency Medical Assistance Service is provided to Cyprus Flag ships.

18. Which measures and good practices have been implemented by your Government in the security communication field?

Adequate safeguards and shields are in place in order to protect confidentiality and security of communications

19. Can you provide any example of good practices which aim to ensure participation of civil society, including of indigenous communities and vulnerable categories, within the context of the consultation process with IMO bodies?

Stakeholders/interesting Organizations participate at IMO Meetings as Part of the Cyprus Delegation as observers or Consultants, upon their request or when deemed necessary.

20. What are the main contributions of the IMO to the effective enjoyment of human rights in the context of shipping and hazardous substances and wastes?

It is within the mission of IMO to contribute to Safety, welfare of crew and protection of the Environment, which both directly and indirectly are related with human rights.

21. Do you discuss human rights relating to shipping with the IMO or with other countries relating to the IMO?

Only if such issues are raised during discussions at any IMO body.

22. Please provide any further information that you consider relevant for the purposes of this questionnaire.