

# No. 24 2014/2015 - Oil Spill Response Contract Requirements - Uruguay

February 2015

Dear Sirs,

## Oil Spill Response Contract Requirements - Uruguay

### Background

On 20 February 2015, Disposición Marítima N° 149 (the "Regulation")<sup>1</sup> will take effect in Uruguay with the aim of establishing a set of rules governing the requirement for owners to contract with an oil spill response company (OSRO) approved by the Uruguayan Coast Guard, amongst other requirements. The Regulation has been established under the scope of Uruguayan Law N° 19.012 of 23 November 2012. The intention of this Notice to Members is to summarise the key provisions of this Regulation.

### Overview

The Regulation requires the local agent for any of the following vessels (unless Uruguayan flagged) to conclude an oil spill response clean-up contract with a Uruguayan Coast Guard approved OSRO at least 24 hours before entering a Uruguayan port or an anchorage in Uruguayan waters:

1. All tank vessels or barges regardless of size;
2. All vessels where the Uruguayan authorities have determined that the vessel has a deficiency which could result in her grounding or sinking;
3. All vessels at anchorage in Uruguayan waters for a period of more than 24 hours;
4. All vessels engaged in exploration or exploitation of resources in the Uruguayan Exclusive Economic Zone (EEZ).

In case of vessels under the Uruguayan Flag, owners may contract direct with the OSROs.

It is the International Group's understanding that there are currently two approved OSROs for the purposes of the Regulation, namely Marine Environmental Care Lasimar S.A. and CINTRA Golantex S.A. A certificate of coverage provided by one of the two approved OSROs must be submitted to the local authorities where a vessel falls within the scope of 1 - 4 above.

The International Group has reviewed both the Lasimar and CINTRA contract certificates that the vessel's local agent (or owner where the vessel is Uruguayan flagged) will need to sign where vessels fall within the scope of 1 - 4 above. The terms of both contracts conform with the International Group vessel response plan guidelines and the liabilities arising therein fall within the scope of Members' P&I cover. Contact details for both OSROs are as follows:

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The Regulation also requires that the following documentation must be provided to the local authorities where a vessel falls within the scope of 1 - 4 above:

1. Evidence of the vessel's P&I cover. This should be provided by means of the vessel's Certificate of Entry, and
2. If a tank vessel is carrying more than 2,000 tons of persistent oil in bulk as cargo, the vessel's State certificate issued in accordance with the International Convention on Civil Liability for Oil Pollution Damage, 1992.
3. A certificate of cover, provided by the OSRO, in the format required by the Regulation in order to evidence that the owner has entered into an OSRO contract with either of the two contractors mentioned above.

It is important therefore that owners with vessels that fall within the scope of these requirements renew their P&I cover sufficiently in advance of 20 February in order to ensure compliance with the Regulation. In particular, the vessel's local agents should be able to provide the required documents no less than 24 hours prior to requesting authorisation for the vessel to anchor or operate in Uruguayan waters.

The International Group will continue to review the Regulation, and any further update to Members will be provided in due course where necessary

Members should however work on the basis that the Regulation, together with the accompanying requirement to contract with an approved OSRO, will become effective on 20 February 2015, and should make contact with their Club accordingly.

All Clubs in the International Group of P&I Clubs have issued similar circulars.

Yours faithfully

For: **West of England Insurance Services (Luxembourg) S.A.**

(As Managers)

**A Paulson**

Director

<sup>1</sup> The text of the Regulation in Spanish can be found Disposicion Maritima 149 and an unofficial English translation can be found here Maritime Provision 149.