

No. 6 2008/2009 - Entry into force of the Bunkers Convention

September 2008

Dear Sirs

Entry into force of the Bunkers Convention – State Certification

Members have previously been advised that the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 (the “Bunkers Convention”) will enter into force in State Parties (updated list below) on 21 November 2008 and that Clubs in the International Group have agreed to issue the required Bunker Convention “Blue Cards” to enable State Parties to issue Bunker Convention certificates.

Ships registered in non-State Parties

Ships registered in a State Party need only obtain a State certificate from that State. However, ships registered in a State which is not party to the Convention and which require a certificate because they are calling at a port or arriving at or leaving an offshore facility in the territorial waters of a State Party to the Convention after the entry into force date must obtain a State issued certificate from a State Party to the Convention. Discussions with State Parties would suggest that the majority are prepared to issue certificates to such ships if calling at a port in their territory, or arriving at or leaving an offshore facility in their territorial waters, after the entry into force date of the Convention and with sufficient evidence that this is the case.

A small number of State Parties have now agreed to issue certificates to ships registered in non-State Parties irrespective of whether they are calling at a port in their territory or arriving at or leaving an offshore facility in their territorial waters after the entry into force date. Since the Blue Card is required to be addressed to a State Party that is willing to issue the certificates to such ships, it is now possible for the Clubs in the International Group to issue Blue Cards to ships registered in non-State Parties.

Ideally, if calling at a port or offshore facility in a State Party, the certificate should still be obtained from the issuing authority of that particular State. Alternatively, in the event that this is not possible certificates for ships registered in non-State Parties can now be obtained from either:

United Kingdom

CLC Bunkers
Maritime and Coastguard Agency
Bay 2/13
Spring Place
105 Commercial Road
Southampton
SO15 1EG
UK

Tel: +44 (0)23 80329110 (public enquiries)
Fax: +44 (0)23 8032 9447
Email address (s): bunkers@mcga.gov.uk
General Enquiries: info@mcga.gov.uk
Website: <http://www.ukshipregister.co.uk/ukr-home/forms.htm>
Contact person: Richard Tong, + 44 (0)23 80 329202

Liberia

Liberian International Ship & Corporate Registry
Attn: Bunker CLC Applications
8619 Westwood Center Drive, Suite 300
Vienna
Virginia 22182
USA

Tel: +1 703 790 3434
Fax: +1 703 790 5655
Email: clc@liscr.com
Website: www.liscr.com

or,

Cyprus

Director
Department of Merchant Shipping
Registrar of Cyprus Ships
Kylinis Street, Mesa Geitonia
CY-4007 Limassol
Cyprus

Tel: +357 25 848 100
Fax: +357 25 848 200
E-mail: maritimeadmin@dms.mcw.gov.cy
Website: www.shipping.gov.cy
Contact Person: + 357 25 848 237 (direct)

It should be noted that the UK will also issue certificates to certain flags in the Red Ensign Group (Bermuda, Cayman Islands, Gibraltar, Isle of Man and British Virgin Islands) since the UK has not at present extended UK ratification of the Convention to their Overseas Territories/Crown Dependencies, and that Cyprus has only agreed to issue a limited number of certificates to ships registered in non-State Parties.

A small number of State Parties have also agreed to issue certificates to non-State Party ships if the owners of such ships have a physical presence in, or an economic link with, their State e.g. Germany. Members in such a position are recommended to contact the authorities in the relevant State party to determine if this is the case.

In order to ease the administrative burden on the above mentioned State Parties, Members with ships registered in non-State Parties are recommended to contact the Club as soon as possible to assist in determining the most appropriate issuing State and to allow the Club to issue the Blue Cards.

Relevant contact details for all State parties are attached to this circular.

Pollution Charterparty Clauses

In 1996 the Club circulated an amended clause for inclusion in charterparties of tankers to reflect the 1992 Protocol to the

Civil Liability Convention, and the OPA requirements concerning certification which apply in the United States. These clauses have been updated and combined in a new single charterparty clause to reflect the forthcoming entry into force of the Bunkers Convention. The combined clause is contained in Annex I to this circular. Before entering these clauses in charterparties, Members should ensure that they do have the necessary certification in place.

**States Party to the Convention
(as at August 2008)**

Bahamas, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Germany, Greece, Hungary, Jamaica, Latvia, Liberia, Lithuania, Luxembourg, Marshall Islands, Norway, Poland, Samoa, Sierra Leone, Singapore, Slovenia, Spain, Tonga, the United Kingdom.

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

AnnexI.pdf

AnnexII.pdf