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**Circular No. 6/2008**

August 2008

**To the Members of  
Assuranceforeningen Gard - gjensidig**

Dear Sirs,

**Re: Entry into force of the Bunker Convention – State Certification**

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Members have previously been advised that the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 (the “Bunker Convention”) will enter into force in States Parties (updated list attached as Annex 2) on 21 November 2008 and that clubs in the International Group of P&I Clubs have agreed to issue the required Bunker Convention “Blue Cards” to enable States Parties to issue Bunker Convention certificates.

**Ships registered in non-States 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 States 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 States Parties have now agreed to issue certificates in respect of ships registered in non-States 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-States 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-States Parties can now be obtained from either:

<p><b>UK</b>          CLC Bunkers          Maritime and Coastguard Agency          Bay 2/13          Spring Place          105 Commercial Road          Southampton          SO15 1EG          UK</p>	<p>Tel: +44 (0)23 80329110 (public enquiries)          Fax: +44 (0) 23 8032 9447          Web: <a href="http://www.ukshipregister.co.uk/ukr-home/forms.htm">http://www.ukshipregister.co.uk/ukr-home/forms.htm</a>          Email: <a href="mailto:bunkers@mcga.gov.uk">bunkers@mcga.gov.uk</a>          General Enquiries: <a href="mailto:info@mcga.gov.uk">info@mcga.gov.uk</a>          Contact person: Richard Tong, + 44 (0)23 80 329202</p>
<p><b>Liberia</b>          Liberian International Ship &amp; Corporate Registry          Bunker CLC Applications          8619 Westwood Center Drive, Suite 300          Vienna, Virginia 22182, USA          Email contact: <a href="mailto:clc@lisscr.com">clc@lisscr.com</a></p>	<p>Bunker CLC Applications          Tel: +1 703 790 3434          Fax: +1 703 790 5655</p>
<p>or,</p>	
<p><b>Cyprus</b>          Department of Merchant Shipping          Registrar of Cyprus Ships          Kyllinis Street, Mesa Geitonia          CY-4007 LIMASSOL          Cyprus</p>	<p>Director          Tel: +357 25 848 100          Fax: +357 25 848 200          E-mail: <a href="mailto:maritimeadmin@dms.mcw.gov.cy">maritimeadmin@dms.mcw.gov.cy</a>          Web: <a href="http://www.shipping.gov.cy">www.shipping.gov.cy</a>          Contact person(s): telephone direct: + 357 25 848 237</p>

It should be noted that the UK will issue certificates to Red Ensign flagged vessels (Bermuda, Cayman Islands, Gibraltar, the Isle of Man and the 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-States Parties.

A small number of States Parties have also agreed to issue certificates to non-States 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. Relevant contact details can be provided on request.

In order to ease the administrative burden on the above mentioned States Parties, Members with ships registered in non-States 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. In the case of Gard Club Members who are owners of ships registered in non-States Parties, Members should notify the Club prior to 5 September if they wish the Blue Card to be addressed to a State other than Liberia. Members with ships registered in

non-States Parties, who have requested Bunker Blue Cards but who have **not** specified from which State Party they should be obtained, will receive Bunker Blue Cards addressed to the Liberian International Ship & Corporate Registry.

### **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 Oil Pollution Act 1990 (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 Bunker Convention. The combined clause is contained in the Annex 1 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, Lithuania, Liberia, 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.

Any questions concerning this circular should be addressed to one of the following persons:

Knut Goderstad, [knut.goderstad@gard.no](mailto:knut.goderstad@gard.no)  
Inger-Helene Andersen, [inger.helene.andersen@gard.no](mailto:inger.helene.andersen@gard.no)  
Liv Gundersen, [liv.gundersen@gard.no](mailto:liv.gundersen@gard.no)

Yours faithfully

**Gard AS**

As agent for Assuranceforeningen Gard – gjensidig



Claes Isacson  
Chief Executive Officer



**FINANCIAL RESPONSIBILITY IN RESPECT OF POLLUTION**

1. Owners warrant that throughout the currency of this charter they will provide the vessel with the following certificates:

(a) If the vessel is over 1,000 gross tons and is registered in, or is required to enter a port or offshore facility in the territorial sea of, a State Party to the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001, a Certificate issued pursuant to Article 7 of that Convention.

(b) If the vessel is constructed or adapted for the carriage of persistent oil in bulk as cargo and is carrying more than 2,000 tons of such cargo, a Certificate issued pursuant to Article 7 of the International Convention on Civil Liability for Oil Pollution Damage, 1992, as applicable.

(c) If the vessel is over 300 gross tons and is required to enter US navigable waters or any port or place in the US, a Certificate issued pursuant to Section 1016 (a) of the Oil Pollution Act 1990, and Section 108 (a) of the Comprehensive Environmental Response, Compensation and Liability Act 1980, as amended, in accordance with US Coast Guard Regulations, 33 CFR Part 138.

2. Notwithstanding anything whether printed or typed herein to the contrary,

(a) save as required for compliance with paragraph (1) hereof, owners shall not be required to establish or maintain financial security or responsibility in respect of oil or other pollution damage to enable the vessel lawfully to enter, remain in or leave any port, place, territorial or contiguous waters of any country, state or territory in performance of this charter.

(b) Charterers shall indemnify owners and hold them harmless in respect of any loss, damage, liability or expense (including but not limited to the costs of any delay incurred by the vessel as a result of any failure by the charterers promptly to give alternative voyage orders) whatsoever and howsoever arising which owners may sustain by reason of any requirement to establish or maintain financial security or responsibility in order to enter, remain in or leave any port, place or waters, other than to the extent provided in paragraph (1) hereof.

(c) Owners shall not be liable for any loss, damage, liability or expense whatsoever and howsoever arising which charterers and/or the holders of any bill of lading issued pursuant to this charter may sustain by reason of any requirement to establish or maintain financial security or responsibility in order to enter, remain in or leave any port, place or waters, other than to the extent provided in paragraph (1) hereof.

3. Charterers warrant that the terms of this clause will be incorporated effectively into any bill of lading issued pursuant to this charter.

## State contacts – Bunker Convention Certificates

Country	Authority	Contact Details
<b>Bahamas (I)</b>	The Bahamas Maritime Authority 120 Old Broad Street, London EC2N 1AR United Kingdom	Tel: +44 20 7562 1300 Fax: +44 20 7614 0650
<b>Bahamas (II)</b>	The Bahamas Maritime Authority Bahamas House, 231 East 46 <sup>th</sup> Street New York 10017 United States of America	Tel: +1 212 829 0221 Fax: +1 212 829 0356
<b>Bahamas (III)</b>	The Bahamas Maritime Authority PO Box N4679 Nassau, Bahamas	Tel: +1 242 394 3024 Fax: +1 242 394 3014  E-mail: <a href="mailto:reg@bahamasmaritime.com">reg@bahamasmaritime.com</a> Web: <a href="http://www.bahamasmaritime.com">www.bahamasmaritime.com</a>
<b>Bulgaria</b>	Bulgarian Maritime Administration 9, Dyakon Ignatii Street Sofia 1000, BULGARIA	Capt. Nikolay Apostolov, Exec Director Tel: +359 2 930 09 10 Fax: +359 2 930 09 20  E-mail: <a href="mailto:bma@marad.bg">bma@marad.bg</a> Web: <a href="http://www.marad.bg">http://www.marad.bg</a>
<b>Croatia</b>	Ministry of the Sea, Transport and Infrastructure Safety of Navigation, Maritime Environment and Inland Waters Protection Directorate 10 000 ZAGREB, Prisavlje 14, CROATIA	Mr Stjepan Vuk (Head of Department for Safety of Navigation) Tel: +385 1 6169 380 Fax: +385 1 6169 069 E-mail: <a href="mailto:stjepan.vuk@pomorstvo.hr">stjepan.vuk@pomorstvo.hr</a> Web: <a href="http://www.mmpi.hr">www.mmpi.hr</a>
<b>Cyprus</b>	Department of Merchant Shipping Registrar of Cyprus Ships Kyllinis Street, Mesa Geitonia CY-4007 LIMASSOL, Cyprus	Ms Lydia Markari Kyriacou, Director Tel: +357 25 848 100 Fax: +357 25 848 200 Contact person(s) direct Tel: +357 25 848 237  E-mail: <a href="mailto:maritimeadmin@dms.mcw.gov.cy">maritimeadmin@dms.mcw.gov.cy</a> Web: <a href="http://www.shipping.gov.cy">www.shipping.gov.cy</a>

<b>Denmark</b>	Danish Maritime Authority 38 C, Vermundsgade DK-2100 Copenhagen, Denmark	Mr Jesper Mandrup Timler Tel: +45 39 17 45 88  E-Mail: <a href="mailto:jmt@dma.dk">jmt@dma.dk</a> Web: <a href="http://www.dma.dk/sw23247.asp">http://www.dma.dk/sw23247.asp</a>
<b>Estonia</b>	Estonian Maritime Authority Valge 4 11413 Tallinn, Estonia	Estonian Maritime Authority Tel + 372 205 500 Fax + 372 6205 506  E-mail: <a href="mailto:eva@vta.ee">eva@vta.ee</a> Web : <a href="http://www.vta.ee/atp/">www.vta.ee/atp/</a>
<b>Germany</b>	Bundesamt für Seeschifffahrt und Hydrographie Bernhard – Nocht - Str. 78 Postfach 30 12 20, 20359 Hamburg	Grit Tüngler Tel: +49 40 3190 7140 Fax: +49 40 3190 5000  E-mail: <a href="mailto:Grit.tuengler@bsh.de">Grit.tuengler@bsh.de</a> Web: <a href="http://www.bsh.de">www.bsh.de</a>
	Information on applying for certificates can be obtained from: <a href="http://www.bsh.de/en/Maritime_shipping/Commercial_shipping/Liability_for_oil_pollution_damage/index.jsp">http://www.bsh.de/en/Maritime_shipping/Commercial_shipping/Liability_for_oil_pollution_damage/index.jsp</a>  Application forms for Bunkers certificates should be downloaded in the first instance from: <a href="http://www.bsh.de/de/Antraege/Oelhaftung/Antrag_Bunkeroel.doc">http://www.bsh.de/de/Antraege/Oelhaftung/Antrag_Bunkeroel.doc</a>	
<b>Greece</b>	Central Harbour Master's Office of Piraeus Marine Environment Protection Department 50 Akti Miaouli Str. GR-185 10 PIRAEUS, Greece	Lieutenant (HCG) Koutsodontis Nikolaos Tel: +30 210 45 93 172 Fax: +30 210 41 83 743  E-mail: <a href="mailto:tptap@mail.yen.gr">tptap@mail.yen.gr</a>
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<b>Jamaica</b>	Maritime Authority of Jamaica 40 Knutsford Boulevard Kingston 5, Jamaica, W.I	Main administrative office Tel.: +876-754-7260 or 876-929-2201 Fax: +876-754-7256  E-Mail: <a href="mailto:registrar@jamaicaships.com">registrar@jamaicaships.com</a> Web : <a href="http://jamaicaships.com/">http://jamaicaships.com/</a>
<b>Latvia</b>	Maritime Administration of Latvia, Latvian Ship Register 5 Trijadibas Str., Riga, LV-1048, Latvia	Mr Raimonds Vingris - Head of the Register Tel.: +371 67062162 / 67062165 Fax: +371 67062161  E-Mail: <a href="mailto:kr@lja.lv">kr@lja.lv</a> Web: <a href="http://www.jurasadministracija.lv/eng/">http://www.jurasadministracija.lv/eng/</a>

<b>Liberia</b>	Liberian International Ship & Corporate Registry Bunker CLC Applications 8619 Westwood Center Drive, Suite 300 Vienna, Virginia 22182 United States of America	Bunker CLC Applications Tel: +1 703 790 3434 Fax: +1 703 790 5655  E-mail: <a href="mailto:clc@liscr.com">clc@liscr.com</a>  <a href="http://www.liscr.com/liscr/Portals/0/MarineOperationsNote_02-2008_final.pdf">www.liscr.com/liscr/Portals/0/MarineOperationsNote_02-2008_final.pdf</a>
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<b>Samoa</b>	The Ministry of Works Transport and Infrastructure Contact address: P.O. Box Private Bag, Apia, Samoa	Taulapapa Captain Maselino Sitagata Tominiko Head of the Maritime Division Telephone 685 21611, Fax: 685 28688,  email: <a href="mailto:maselino@mwti.gov.ws">maselino@mwti.gov.ws</a>



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