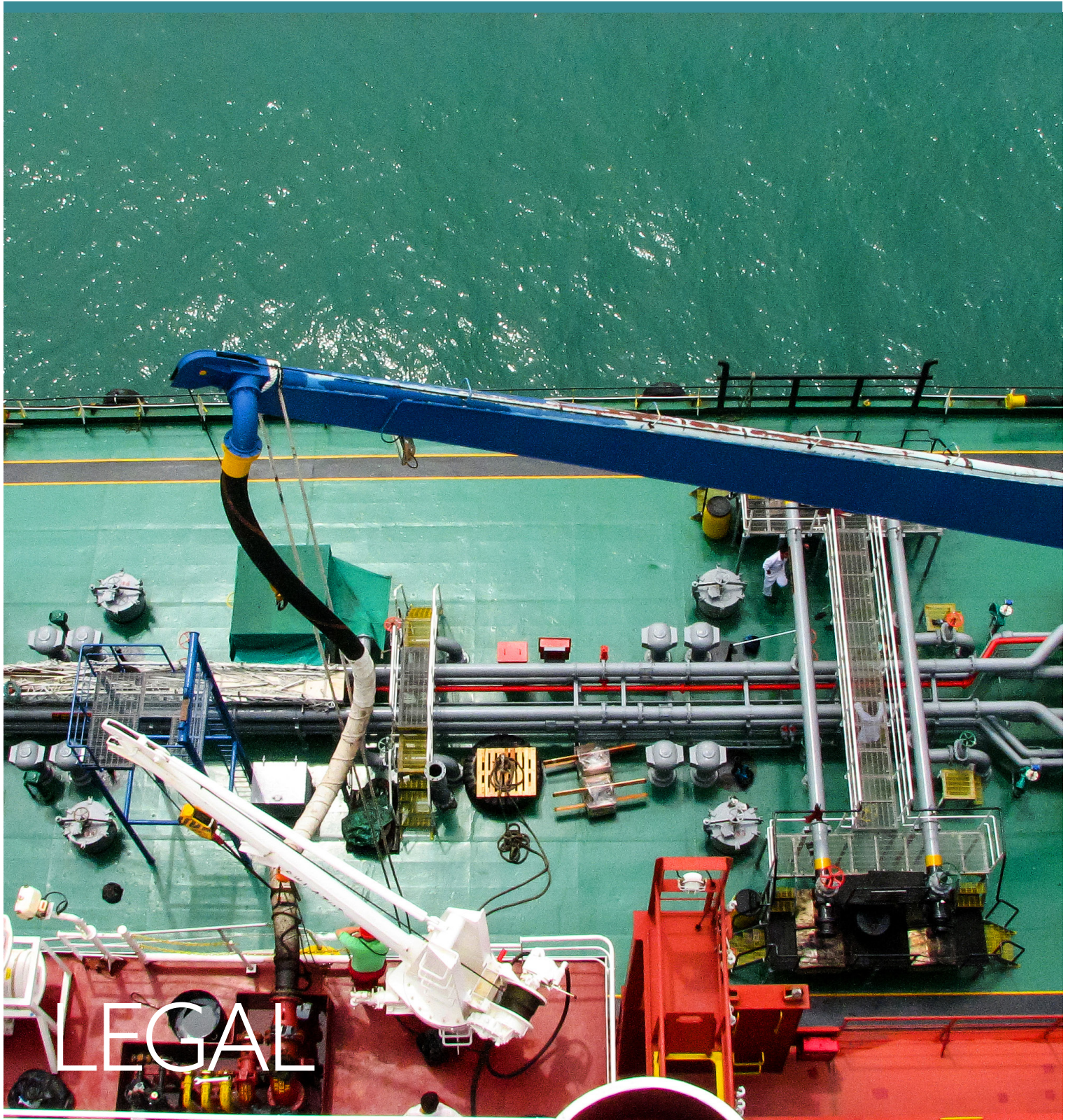


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Bunkers Convention



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Bunkers Convention

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Introduction

Although damage and compensation for oil pollution caused by a tanker's bunkers is covered in some cases by the Civil Liability Convention (CLC), there has been no corresponding pollution regime for ships other than tankers, all of which carry oil for bunkers with the resulting threat of pollution following an incident.

To overcome this, the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, was adopted in March 2001 and entered into force on 21 November 2008. The Convention provides a liability, compensation and compulsory insurance system for the victims of oil pollution damage caused by spills of bunker oil.

The Convention will make the shipowner liable to pay compensation for pollution damage (including the costs of preventive measures) caused in the territory, including the territorial sea of a State party, as well as its exclusive economic zone or equivalent area.

The shipowner will have a strict liability but will be entitled to limit that liability.

This briefing provides information about the Bunkers Convention, answers some frequently asked questions and includes copies of the relevant Club Circulars.

Bunkers Convention

International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

The aim of the Convention is "to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil, when carried as fuel in ships' bunkers" (**International Maritime Organization (IMO)** website: www.imo.org).

Pollution damage

The bunkers convention covers pollution damage only.

According to the Convention, "pollution damage" means:

- (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and
- (b) the costs of preventive measures and further loss or damage caused by preventive measures.

Strict liability

Under Article 3 of the Convention the shipowner will be strictly liable for pollution damage in most circumstances.

"Shipowner" in the Convention means "the owner, including the registered owner, bareboat charterer, manager and operator of the ship".

Limitation of liability

Article 6 of the Convention provides that a shipowner is entitled to limit his liability to amounts provided for under applicable national or international regimes such as the Convention on Limitation of Liability for Maritime Claims 1976 (LLMC 1976) as amended and also contains an exclusion of liability for acts of war (although the definition of war does not include terrorism), for damage wholly caused by the intentional act of a third-party and for negligence of an authority responsible for maintenance of navigation aids.

Insurance Cover

Registered owners of any sea-going vessel and seaborne craft over 1,000 GT, of any type whatsoever, and registered in a State party or entering or leaving a port in the territory of a State party, are required to maintain insurance which meets the requirements of the Convention. Such ships will be required to carry a certificate of insurance to show that they have the necessary compulsory insurance cover required by the Convention.

The certificate of insurance is issued by a State (see frequently asked questions below). Before issuing such a certificate the State will require a "Bunkers Convention blue card" issued by an insurer evidencing that insurance meeting the liability requirements of the Bunkers Convention is in place.

Insurance cover for liabilities arising from the Bunkers Convention, and the Bunkers Convention blue card providing evidence of insurance, are provided by the P&I Clubs, subject to certain provisos including shipowners having in place P&I war risks cover on standard terms with a separate limit for P&I liabilities (see frequently asked questions below).

Bunkers Convention (cont.)

Frequently Asked Questions

When did the Bunkers Convention come into force?

21 November 2008.

How many countries are parties to the Bunkers Convention?

As of 31 July 2019, there are 93 countries party to the Bunkers Convention as well as three associate members. For more details see:

www.imo.org/en/About/Conventions/StatusOfConventions/Documents/status-x.xlsx

Who is liable under the Bunkers Convention for pollution damage?

The shipowner (including the registered owner, bareboat charterer, manager and operator).

Which ships are required to have a Bunkers Convention certificate of insurance?

All ships over 1,000 GT registered in a State party to the Bunkers Convention or entering or leaving a port in the territory of a State party to the Convention.

Are tankers required to have a Bunkers Convention certificate?

In theory the Bunkers Convention does not apply to vessels which are otherwise subject to the Civil Liability Convention (CLC). However, CLC only applies to tankers when they are carrying persistent oil in bulk as cargo or on the voyage immediately thereafter. In the circumstances the Bunkers Convention could apply to almost all tankers at some stage. In practice it is likely that many States will require tankers to have Bunkers Convention certificates regardless of whether CLC applies.

What is the difference between a "Bunkers Convention blue card" and a "Bunkers Convention certificate"?

A "Bunkers Convention blue card" is issued by an insurer evidencing that there is in place insurance meeting the liability requirements of the Bunkers Convention.

A "Bunkers Convention certificate" is issued by a State party attesting that such insurance is in force.

A ship over 1000 GT must have on board a "Bunkers Convention certificate" when registered in a State party to the Convention or trading to a State party. Without a "Bunkers Convention blue card" (or other evidence of insurance satisfactory to the State party), States will not issue a "Bunkers Convention certificate".

Who is required to obtain a Bunkers Convention certificate of insurance?

The registered owner of a ship.

My vessel is registered in a country which is not a party to the Bunkers Convention - do I have to obtain a Bunkers Convention certificate for the vessel?

Yes, if the vessel will call or may call at a port of a State party to

the Bunkers Convention.

How to apply for a Bunkers Convention certificate?

You will need a Bunkers Convention "blue card" from the Club which should be submitted to the relevant authority of the flag State, if a party to the Bunkers Convention or to another State party if the flag State is not a party to the Bunkers Convention.

Is my liability under Bunkers Convention covered by the P&I Club?

Yes, subject to the Club's Rules and your terms of entry. However please also see the Club's Circular of 6 May 2008 for the need to maintain war risks P&I insurance, as claims arising from an act of terrorism would be recoverable from war risks underwriters up to the limit of cover under the war risk policies.

Why do I have to have the underlying War risks insurance? What is the required limit of that policy?

The Bunkers Convention blue cards are given on the condition that the Members agree to maintain an underlying War risks insurance on standard terms, with a separate limit for P&I liabilities.

The required limit for P&I liabilities under that policy is the proper value of the ship, deemed not exceeding US\$100 million.

When will a Bunkers Convention certificate be required?

From 21st November 2008.

When should I approach the Club for a blue card?

The Club has sent application forms to all Members with vessels that are potentially subject to the Bunkers Convention and is now accepting applications.

Who should we contact within the Club when we need a Bunkers Convention blue card?

Your usual underwriting contact. However, before doing so we would suggest that you have established which flag state will be providing the Bunker certificate as we will need this information in order to be able to issue the Blue card.

Charterparty Clauses

In 1996 North of England 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. Before entering these clauses in charterparties, Members should ensure that they do have the necessary certification in place.

The combined clause is shown below.

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

Bunkers Convention (cont.)

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.

Disclaimer

The purpose of this publication is to provide a source of information which is additional to that available to the maritime industry from regulatory, advisory, and consultative organisations. Whilst care is taken to ensure the accuracy of any information made available no warranty of accuracy is given and users of that information are to be responsible for satisfying themselves that the information is relevant and suitable for the purposes to which it is applied.

In no circumstances whatsoever shall North be liable to any person whatsoever for any loss or damage whensoever or howsoever arising out of or in connection with the supply (including negligent supply) or use of information.

Unless the contrary is indicated, all articles are written with reference to English Law. However it should be noted that the content of this publication does not constitute legal advice and should not be construed as such. Members should contact North for specific advice on particular matters.

Published June 2009.

Bunkers Convention (cont.)

CLUB CIRCULAR: 6 MAY 2008

Entry into force of the Bunkers Convention – certification requirements and issuance of Blue Cards and State certificates

The International Convention on Civil Liability for Bunker Oil Pollution 2001 (the “Bunkers Convention”) has now been ratified by the required number of States, with the requisite combined gross tonnage and will enter into force in State Parties on 21 November 2008.

Certification requirements

The Convention provides a liability, compensation and compulsory insurance system for the victims of oil pollution damage caused by spills of bunker oil. The Convention will make the shipowner [1] liable to pay compensation for pollution damage (including the costs of preventive measures) caused in the territory, including the territorial sea of a State party, as well as its exclusive economic zone or equivalent area.

Registered owners of any sea going vessel and seaborne craft over 1000 gross tonnage, of any type whatsoever, and registered in a State party or entering or leaving a port in the territory of a State party, will be required to maintain insurance which meets the requirements of the Convention and to obtain a certificate issued by a State party attesting that such insurance is in force. The State issued certificate must be carried on board at all times.

The regime closely follows the well established liability and insurance provisions which apply to oil tankers under the Civil Liability Convention (CLC).

Certification and pooling of liability under certificates

Following consideration by all Club Boards, it has been agreed that Clubs in the International Group will issue the required Bunkers Convention “Blue Cards” to enable signatory states to issue certificates from August 2008. Notwithstanding that Associations do not currently provide shipowners with primary P&I war risks cover, it has been further agreed that Associations will pool all liabilities incurred under certificates issued, including otherwise excluded liabilities, up to, but not exceeding, the amount of the liability so certified. Exclusions will continue to apply in the usual way in respect of liabilities arising otherwise than under Certificates. The Convention provides that liability under Certificates shall not exceed limits calculated in accordance with the Convention on Limitation of Liability for Maritime Claims 1976 (LLMC 1976) as amended and also contains an exclusion of liability for acts of war (although the definition of war does not include terrorism) and for damage wholly caused by the intentional act of a third-party.

The Club will issue Blue Cards on condition that the Member agrees that where any payment by the Association under the certificate is in respect of war risks, the Member shall indemnify the Association to the extent that such payment is recoverable under the member’s P&I war risks policy or would have been recoverable if the Member had maintained and complied with the terms and conditions of a standard P&I war risks insurance policy, and that there shall be assigned to the Association all the rights of the Member under such insurance and against any third party. By requesting a “Blue Card”, the Member will be deemed to have agreed this condition.

It is therefore necessary that all Members requesting blue cards ensure that they have in place P&I war risks cover on standard terms with a separate limit for P&I liabilities.

Issuance of State certificates

The International Group submitted a paper in February to the Executive Committee of the IOPC Funds pointing out that States needed to put in place administrative procedures for the issue of a substantial number of Certificates.

With regard to State issued certificates attesting that the required insurance cover is in force, vessels registered in a State party need only obtain a State issued certificate from that State. This will be treated as evidence of insurance when calling at any port or terminal in a State party.

Vessels registered in a State which is not party to the Convention should obtain a State issued certificate from a State party to the Convention. Ideally, if calling at a port or terminal in a State party, this should be obtained from the issuing authority of that particular State. Alternatively, in the event that this is not possible, a State issued certificate may be obtained from the issuing authority of another State party. The Secretariat of the International Group is in contact with the administrations in a number of party States to identify those willing to issue Certificates for vessels which do not fly their flag and will provide further information in due course.

Bunkers Convention (cont.)

States have already been informed that there is a growing practice amongst Clubs in the International Group to issue Blue Cards in electronic format. Electronic Blue Cards can be forwarded by members in electronic format to the relevant authority of the State issuing the State certificate. If the issuing authority deems this to be unacceptable, and requires the Blue Card in a hard copy format, then a hard copy version can be provided on request.

States Party to the Convention (as at April 2008)

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

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

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Paul Jennings

Deputy Managing Director - North Insurance Management Limited

As Managers on behalf of the North of England P&I Association Limited

[1] Defined as including the registered owners, bareboat charterers, managers and operators

Bunkers Convention (cont.)

CLUB CIRCULAR: 8 JULY 2008

Entry into force of the Bunkers Convention - update on State Certification Requirements and Issuance of Blue Cards

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

State certification

(i) Ships registered in State Parties

Ships registered in a State Party need only obtain a State certificate from that State. This will be treated as evidence of insurance when calling at any port or terminal in any State Party. The State certificate will be issued against the provision of a Blue Card issued by the Club in the required form (see below). Members with ships registered in a State Party are recommended to contact the authorities in that State in order to confirm the application procedures for Bunkers Convention certificates.

(ii) Ships registered in non-State Parties

Ships registered in a State which is not party to the Convention must obtain a State issued certificate from a State Party to the Convention. The Secretariat of the International Group and the International Chamber of Shipping have been in contact with the administrations in a number of State Parties to identify those States willing to issue certificates for ships which are not registered under their flag. The International Group has also submitted papers to the March and June sessions of the IOPC Funds to raise awareness of the need for State Parties to agree to issue the certificates to ships registered in non-State Parties. States are, to date, reluctant to agree to issue certificates for ships registered in non-State Parties unless calling at their ports because of the administrative burden involved in issuing the necessary, and large, number of certificates involved.

The International Group and the International Chamber of Shipping are continuing discussions with a number of State Parties to seek agreement that they will issue the certificates to all ships having a gross tonnage greater than 1000 as soon as possible irrespective of whether they are calling at their ports after the entry into force of the Convention. Until these discussions are concluded and a satisfactory outcome is reached, it will not be possible for the Club to issue Blue Cards to ships registered in a non-State Party since the Blue Card is required to be addressed to a State Party that is willing to issue the certificates for such ships. Members will be kept informed of progress in these discussions.

Issue of Blue Cards

To comply with the Bunkers Convention requirements the Blue Card will need to state the name of the ship, the ship's distinctive number or letters (or call sign), the port of registry, the IMO number and the name and full address of the principal place of business of the registered owner. Following legal advice received on the relevant address for insertion in Blue Cards, Clubs will insert the address of the registered office unless advised of an alternative address by the Member.

In view of the early entry into force of the Convention, it is recommended that Members start the application process as soon as possible.

Data collection for preparation of Blue Cards

An application form is attached to collect the information necessary for the preparation of Blue Cards. Members requiring Blue Cards (both owners of ships flying flags of State Parties and those not flying flags of State Parties) should complete and return the attached as soon as possible.

Upon receipt of the completed application form, Blue Cards will be sent to the Members whose ships fly the flags of State Parties.

For ships not flying flags of State Parties, Blue Cards will be issued once it is known to which State Party they should be addressed. When it is known which State Parties have agreed to issue certificates to ships not flying their flags we will advise the Members and Blue Cards will be issued after receiving Members' instructions on their choice of such State.

All completed application forms should be returned in the attached Excel format to sarah.westgarth@nepia.com

Certification and pooling of liability under certificates

Members have also previously been informed that the Club will issue Blue Cards on condition that the Member agrees that where any payment by the Association under the certificate is in respect of war risks, the Member shall indemnify the Association to the

Bunkers Convention (cont.)

extent that such payment is recoverable under the Member's P&I war risks policy or would have been recoverable if the Member had maintained and complied with the terms and conditions of a standard P&I war risks insurance policy, and that there shall be assigned to the Association all the rights of the Member under such insurance and against any third party. By requesting a Blue Card the Member will be deemed to have agreed these conditions.

It is therefore necessary that all Members requesting Blue Cards ensure that they have in place P&I war risks cover on standard terms with a separate limit for P&I liabilities. Members should also contact their primary war risks underwriters to notify them of the assignment of rights/recovery under the policy.

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

.....
John H Howe

Director - North Insurance Management Limited

As Managers on behalf of the North of England P&I Association Limited

Bunkers Convention (cont.)

CLUB CIRCULAR: 1 SEPTEMBER 2008

Entry into force of the Bunkers Convention – 2nd Update on State Certification Requirements and Issuance of Blue Cards Recommended Charterparty Clause

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:

UK

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

Tel: **+44 23 80329110 (public enquiries)**
Fax: **+44 23 8032 9447**
Web: **www.ukshipregister.co.uk/ukr-home/forms.html**
Email: **bunkers@mcga.gov.uk**
General enquiries: **infoline@mcga.gov.uk**
Contact person: **Richard Tong +44 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**

or,

Bunkers Convention (cont.)

Cyprus

Director
Department of Merchant Shipping
Registrar of Cyprus Ships
Kyllinis Street, Mesa Geitonia
CY-4007 LIMASSOL
Cyprus

Tel: **+357 25 848 100**
Fax: **+357 25 848 200**
Email: **maritimeadmin@dms.mcw.gov.cy**
Web: **www.shipping.gov.cy**
Contact person: **+357 25 848 237 (direct line)**

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-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. Relevant contact details can be provided on request.

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.

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 the Annex to this circular. Before entering these clauses in charterparties, Members should ensure that they do have the necessary certification in place.

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

.....
John Howe

Director - North Insurance Management Limited

As Managers on behalf of the North of England P&I Association Limited

Bunkers Convention (cont.)

CLUB CIRCULAR: 8 OCTOBER 2008

Entry into force of the Bunkers Convention - State Certification 8 Oct 2008

Members are referred to the previous Club circulars that have been issued on the entry into force of the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 (the "Bunkers Convention") and the State certification requirements contained therein.

The previous circular informed Members that the UK, Liberia and Cyprus, as States party to the Bunkers Convention, have agreed to issue State 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 on 21 November 2008. Cyprus will not however issue certificates to ships flying the flag of a State that appears in the Black List of the Paris MOU according to the Annual Report of the Paris MOU for the year preceding the date of the request.

A small number of other administrations have since agreed to issue certificates to ships registered in non-State Parties as well, namely the Cook Islands, Bahamas, Sierra Leone and the Isle of Man. The relevant contact details for Bunkers Convention State certificates in each of these administrations are contained in the Annex to his Briefing.

A full list of the contact details for certificates in the UK, Liberia, Cyprus, Cook Islands, Bahamas, Sierra Leone and the Isle of Man is contained in the Annex to this Briefing.

It should be noted that the UK has to date only extended UK ratification of the Bunkers Convention to the Isle of Man and not to any of the other UK Overseas Territories/Crown Dependencies. Ships registered in one of the Red Ensign Group of registries other than the Isle of Man can in the meantime obtain their certificates from the UK.

The Cook Islands has also entered into an arrangement with the Panamanian Maritime Authority (PMA) to issue certificates for Panamanian registered vessels pending Panama's ratification of the Bunker Convention. Members with Panamanian registered vessels who wish to obtain their certificates from the Cook Islands should refer to the PMA Merchant Marine Circular No. 180:

www.segumar.com/HTML%20Merchant%20Marine%20Circulars/180c.pdf

The position with regard to States party to the Convention and those that are willing to issue certificates to ships registered in non-State Parties is continuously changing. A number of other States are also in the process of working towards ratification of or accession to the Bunkers Convention prior to the entry into force date on 21 November 2008 and may decide to issue their own State certificates from the date of their ratification or accession.

However, Members should be aware that the Convention shall only enter into force in a State three months after the date of that State's ratification or accession. There is a risk that other State Parties may deem certificates issued by a State Party to be valid only after three months has elapsed since the issuing State's ratification of or accession to the Convention. Ships in possession of a certificate issued by a State Party prior to the date on which the three months has elapsed should therefore be aware that they risk being detained or fined if they enter the port of another State Party after the entry into force date of the Convention on 21 November 2008 and are not in possession of a valid certificate. Club cover may be prejudiced in the event of such a detention or fines.

This risk does not apply to ships in possession of a certificate issued by any of the State Parties mentioned in this or previous circulars since they have all ratified or acceded to the Convention three months prior to the entry into force date.

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

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John Howe

Director - North Insurance Management Limited

As Managers on behalf of the North of England P&I Association Limited