TO ALL MEMBERS

August 2008

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 21st 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.

States Parties to the Convention (as at the end of 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. The International Group has compiled a list of contact details of the relevant authority within each State which is set out in Annex 1.

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

Tel: +44 (0) 23 8032 9110 (public enquiries)
Fax: +44 (0) 23 8032 9447
E-mail: bunkers@mcga.gov.uk
Web: www.ukshipregister.co.uk/ukr-home/forms.htm
General enquiries: infoline@mcga.gov.uk
Contact: Mr Richard Tong +44 (0)23 80 329202

or

LIBERIA:

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

Tel: +1 703 790 3434
Fax: +1 703 790 5655
E-mail: clc@liscr.com

or

CYPRUS:

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

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

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 2 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.

**THE SHIPOWNERS’ PROTECTION LIMITED**

(As Managers)

For and on behalf of

The Shipowners’ Mutual Protection and Indemnity Association (Luxembourg)
Annex 1

BAHAMAS:
The Bahamas Maritime Authority
120 Old Broad Street
London
EC2N 1AR
UK
Tel: +44 20 7562 1300
Fax: +44 20 7614 0650
E-mail: reg@bahamasmaritime.com
Web: www.bahamasmaritime.com

The Bahamas Maritime Authority
Bahamas House
231 East 46th Street
New York
New York 10017
USA
Tel: +1 212 829 0221
Fax: +1 212 829 0356

The Bahamas Maritime Authority
PO Box N4679
Nassau
Bahamas
Tel: +1 242 394 3024
Fax: +1 242 394 3014

BULGARIA:
Captain Nikolay Apostolov
Executive Director
Bulgarian Maritime Administration
9, Dyakon Ignatii Street
Sofia 1000
Tel: +359 2 930 09 10
Fax: +359 2 930 09 20
E-mail: bma@marad.bg
Web: www.marad.bg

CROATIA:
Mr Stjepan Vuk (Head of Department for Safety of Navigation)
Ministry of the Sea, Transport and Infrastructure
Safety of Navigation, Maritime Environment and Inland Waters Protection Directorate
10 000 Zagreb, Prisavlje 14
Tel: +385 1 6169 380
Fax: +385 1 6169 069
E-mail: stjepan.vuk@pomorstvo.hr
Web: www.mmipi.hr
CYPRUS:

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

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

DENMARK:

Mr Jesper Mandrup Timler
Danish Maritime Authority
38 C, Vermundsgade
DK-2100 Copenhagen

Tel: +45 39 17 45 88
E-Mail: jmt@dma.dk
Web: www.dma.dk/sw23247.asp

ESTONIA:

Estonian Maritime Authority
Valge 4
11413 Tallinn

Tel: +372 205 500
Fax: +372 6205 506
E-mail: eva@vta.ee
Web: www.vta.ee/atp/

GERMANY:

Grit Tüngler
Bundesamt für Seeschifffahrt und Hydrogrphie
Bernhard – Nocht - Str. 78
Postfach 30 12 20
20359 Hamburg

Information on applying for certificates can be obtained from:

www.bsh.de/en/Maritime_shipping/Commercial_shipping/Liability_for_oil_pollution_damage/index.jsp
Application forms for Bunkers certificates should be downloaded in the first instance from:

www.bsh.de/de/Antraege/Oelhaftung/Antrag_Bunkeroel.doc

Contact details for queries:
Tel: +49 (0) 40 3190 7140
Fax: +49 (0) 40 3190 5000
E-mail: Grit.tuongler@bsh.de
Web: www.bsh.de

GREECE:
Central Harbour Master's Office of Piraeus
Marine Environment Protection Department
50 Akti Miaouli Str.
GR-185 10 Piraeus
Tel: +30 2104593172
Fax: +30 2104183743
E-mail: tptap@mail.yen.gr
Contact: Lieutenant (HCG) Koutsodontis Nikolaos

HUNGARY:
National Transport Authority
Directorate of High Priority Affairs
Department for Shipping Proceedings
Shipping Safety and Registry Unit
1066 Budapest
Teréz krt. 62. postacím:
1387 Budapest 62, Pf: 30
Tel: +36 1 4741 755/795
E-mail: hajouzembizto.hhf.kui@nhk.gov.hu

JAMAICA:
Main Administrative Office
Maritime Authority of Jamaica
40 Knutsford Boulevard
Kingston 5
Tel: +876 754 7260 or 876 929 2201
Fax: +876 754 7256
E-mail: registrar@jamaicaships.com
Web: www.jamaicaships.com/
LATVIA:

Mr Raimonds Vingris - Head of the Register
Maritime Administration of Latvia
Latvian Ship Register
5 Trijadibas Str,
Riga, LV-1048

Tel: +371 67062162/67062165
Fax: +371 67062161
E-mail: kr@lja.lv
Web: www.jurasadministracija.lv/eng/

LIBERIA:

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

Tel: +1 703 790 3434
Fax: +1 703 790 5655
E-mail: clc@liscr.com

LITHUANIA:

Maritime Safety Administration
J. Janonio St. 24
92251 Klaipėda

Tel: +370 46 469 602
Fax: +370 46 469 600
E-mail: msa@msa.lt
Web: www.msa.lt/Old/eng/index.htm

LUXEMBOURG:

Commissariat aux Affaires Maritimes
19-21 Boulevard Royal
L-2449 Luxembourg

Tel: +352 2478 4453
Fax: +352 29 91 40
E-mail: cam@cam.etat.lu
THE MARSHALL ISLANDS:

Maritime Administrator for The Republic of the Marshall Islands
Marshall Island Maritime Administration
11495 Commerce Park Drive
Reston, VA 20191, USA
Tel: +1 703 620 4880
    +1 703 3762 (after hours emergency number)
Fax: +1 703 476 8522
E-mail: maritime@register-iri.com
Web: www.register-iri.com

NORWAY:

Norwegian Maritime Directorate
Sjøfartsdirektoratet
PO Box 2222
N-5509 Haugesund
Tel: +47 52 74 50 00
Fax: +47 52 74 50 01
E-Mail: postmottak@sjofartsdir.no

POLAND:

Department for Maritime Transport and Inland Navigation
4/6 Chałubiński Street,
00-928 Warsaw
Tel: +4822 630 15 40
Fax: +4822 630 15 49
Web: www.en.mi.gov.pl/2-482076faaa403.htm

SAMOA:

Taulapapa Captain Maselino Sitagata Tominiko
Head of the Maritime Division
The Ministry of Works Transport and Infrastructure
PO Box Private Bag, Apia
Tel: +685 21611
Fax: +685 28688
E-mail: maselino@mwti.gov.ws
SIERRA LEONE:

Sierra Leone International Ship Registry
1010 Common St, Suite 2533
New Orleans, LA 70112, USA

Tel: +1 504 636 1387
Fax: +1 504 636 1388
E-mail: registrar@sierraleoneship.com
Web: www.sierraleoneship.com/cms/

SINGAPORE:

Maritime and Port Authority of Singapore (MPA)
Shipping Division, Singapore Registry of Ships
460 Alexandra Road
PSA Building, #21-00
Singapore119963

Mr Wong Kai Cheong, Manager (Registry & Manning)
Tel: +65 6375 6236
Fax: +65 6375 6231
E-mail: kai_cheong_WONG@mpa.gov.sg

or

Ms Emily Sihab, Assistant Manager (Ship Registry)
Tel: +65 6375 6227
Fax: +65 6375 6231
E-mail: emily_shalawati_bte_sinab@mpa.gov.sg

SLOVENIA:

Slovenian Maritime Administration
Ukmarjev trg 2
SI-6000 Koper

Tel: +386 5 6632 100
Fax: +386 5 6632 102
E-mail: ursp.box@gov.si
Web: www.up.gov.si.en
SPAIN:

Mr Fernando Blanco
Head of Dumping and Marine Pollution Section
Direction General for Merchant Marine
C/Ruiz de Alarcon, 1
28071-1
Madrid

Tel: +34 91 597 9181
Fax: +34 91 597 9235
E-mail: fblanco@fomento.es

TONGA:

Mr William Leslie Simpson Johnson
Acting Secretary of Marine & Ports
Ministry of Marine & Ports
PO Box 397
Nuku’alofa

Tel: +676 22555/26235
Fax: +676 26234/24267
E-mail: marine@kalianet.to

UK:

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

Tel: +44 (0)23 80329110 (public enquiries)
Fax: +44 (0)23 8032 9447
E-mail: bunkers@mcga.gov.uk
Web: www.ukshipregister.co.uk/ukr-home/forms.htm
General enquiries: infoline@mcga.gov.uk
Contact: Mr Richard Tong +44 (0)23 80 329202
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 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.