

	CIRCULAR 2013-002 (rev3)		
	DEPARTMENT OF MARINE SERVICES AND MERCHANT SHIPPING (ADOMS)		
	International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001	Ref	IMO Res.A.1028(26) IMO Circ. letter 3145

**Companies having assumed responsibility for the management and operation of ships registered in Antigua and Barbuda;
Seafarers engaged on ships registered in Antigua and Barbuda;
Recognized Organizations (ROs) of Antigua and Barbuda;
P&I Clubs providing, or wishing to provide, insurance for bunker oil pollution for Antigua and Barbuda ships.**

This Circular was originally published as 09-001-08. It was republished in the new numbering format with minor editorial changes and has since been updated to include criteria from IMO Circular letter 3145 and the latest amendments to annex 2.

1. General

- 1.1. The Department of Marine Services and Merchant Shipping, Antigua and Barbuda (ADOMS) wishes all concerned to note that the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 entered into force on the 21st November 2008. Antigua and Barbuda is a party to the Convention.
- 1.2. The Convention was adopted to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil from ships bunkers.
- 1.3. Under the Convention the shipowner is liable to pay for pollution damage caused in the territory of a State Party and is required to carry adequate insurance.
- 1.4. This circular is aimed at providing all those involved with the necessary information on the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 and the position of the Department of Marine Services and Merchant Shipping, with respect to its implementation.
- 1.5. This revision 3 amends annex 3 to an application form that can be used for multiple applications and for all types of civil liability cover requiring Flag State certification. It also incorporates a declaration regarding MLC financial liability cover compliance which has been introduced in preparation for upcoming changes in those requirements from 18 January 2017.

2. Application of the Convention

- 2.1. The Convention applies to pollution damage caused in the territory, including the territorial sea, and in exclusive economic zones of State Parties and measures taken to prevent or

minimize damage caused by any hydrocarbon mineral oil, including lubricating oil, used or intended to be used for the operation or propulsion of the ship and any residues of such oil on board ships having a gross tonnage (GT) greater than 1000. It therefore applies to all Antigua and Barbuda ships of more than 1000 GT.

3. Compulsory Insurance and certification

- 3.1. Evidence of insurance must be carried by the ship in the form of a certificate issued by ADOMS and in the format specified in the Convention.
- 3.2. In order to issue a certificate of insurance ADOMS needs to receive evidence of the insurance that has been taken out. Typically this evidence is in the form of a "Blue Card". ADOMS is also required to assess the ability of any P&I Club offering such insurance and to only issue certificates when the evidence of insurance (Blue Card) is issued by a P&I Club which has been accepted by ADOMS.
- 3.3. Currently P&I Clubs which are members of the International Group of P&I Clubs are all accepted as suitable and therefore a "Blue Card" confirming the policy of insurance and issued by one of the International Group of P&I Clubs can be accepted as evidence. Annex 1 to this Circular lists the current members of the International Group of P&I Clubs.
- 3.4. As well as the members of the International Group of P&I Clubs, a number of other P&I Clubs have been assessed and accepted by ADOMS as suitable for the provision of bunker pollution insurance and the issue of "Blue Cards" as evidence of that insurance. The current list of non International Group P&I Clubs is at Annex 2 to this Circular.

4. Submission of application for issuing Certificate of Insurance or Other Financial Security in Respect of Civil Liability for Bunker Oil Pollution" (Bunkers Certificate)

- 4.1. All ships registered in Antigua and Barbuda having a gross tonnage greater than 1000 GT must carry a Bunkers Certificate issued by ADOMS.
- 4.2. Bunkers Certificates are issued by the ADOMS office in Oldenburg for ships registered through the Oldenburg office. When a certificate is required owners should submit a letter of application in the form set out in Annex 3 to this Circular and signed by an authorised officer of the Company to:

ADOMS (Oldenburg)
Am Patentbusch 4
D-26125 Oldenburg
Germany

Tel: +49 (0) 441 93959-0
Fax: +49 (0) 441 93959-29
Email: info@antiguamarine.com

- 4.3. Bunkers Certificates for ships registered through the St. John's office are issued from St. John's and the owner should submit an application to:

ADOMS (St. John's)
PO Box 1394
St. John's
Antigua
West Indies

Tel: +1 268 462 1273
Fax: +1 268 462 4358
Email: registry@abregistry.ag

- 4.4. In every case the application should be accompanied by evidence of the actual insurance in the form of the "Blue Card" issued by an authorised P&I Club.
- 4.5. Applications may be submitted by mail, by fax or by email. A copy of a suitable form is available on <http://abregistry.ag/wp-content/uploads/2015/12/application-form.pdf>
- 4.6. Applications are to be submitted either by the legal representative of the ship owner, by an empowered officer of the ship owning company, by an empowered officer of the ship management company or by the bareboat charterer.
- 4.7. Owners, managers and ship's senior officers should note that carriage of the Antigua and Barbuda Bunkers certificate is a mandatory requirement and failure to produce it can result in detention by Port State Control Officers.

5. Requests for authorisation by P&I Clubs

- 5.1. Any P&I Club wishing to be accepted for the issue of "Blue Cards" to Antigua and Barbuda ships should apply in writing to ADOMS (St. John's) for accreditation. The application should contain at least:
- 5.1.1. Adequate documentation on the companies standing and hence solvency. Adequate documentation could be in the form of audited financial statements from the past three years duly authenticated and signed by the auditor;
 - 5.1.2. Adequate documentation on approval by the relevant authority that the company is eligible to carry out insurance business in the country of the authority;
 - 5.1.3. Adequate documentation on reinsurance coverage on claims met by the company for liability incurred under the Bunkers Convention;
 - 5.1.4. A guarantee by the company and its parent company, if one exists, that it will cover liability incurred under the Bunkers Convention and up to the limits of liability according to the International Convention on Limitation of Liability for Maritime Claims 1976 as amended;

- 5.1.5. A statement to the effect that liability incurred under the Bunkers Convention due to an act of terrorism is covered;
- 5.1.6. The rating that the Insurance company and/or its reinsurers hold by an independent and internationally recognised rating agency;
- 5.1.7. Information in respect of any other flag states which have accepted its insurance; and
- 5.1.8. Information with respect to the method for ADOMS to verify validity of blue cards at any time.
- 5.2. ADOMS will assess each application on its merits and may require additional information in some cases.
- 5.3. In any case where ADOMS is not satisfied as to the financial strength or other aspects of the applicant P&I Club it may reject the application.

6. Fees

- 6.1. No fees are charged for the issue of a Bunker Certificate as costs are absorbed by the overall charges for registry.

October 2016

Annex 1 Members of the International Group of P&I Clubs

- American Steamship Owners Mutual Protection and Indemnity Association, Inc.
- Assuranceforeningen Skuld;
- Gard P&I (Bermuda) Ltd.
- The Britannia Steam Ship Insurance Association Limited;
- The Japan Ship Owners' Mutual Protection and Indemnity Association;
- The London Steam-Ship Owners' Mutual Insurance Association Limited;
- The North of England Protecting & Indemnity Association Limited;
- The Shipowner's Mutual Protection & Indemnity Association (Luxembourg),
- The Standard Club Ltd.
- The Steamship Mutual Underwriting Association (Bermuda) Limited;
- The Swedish Club;
- United Kingdom Mutual Steam Ship Assurance Association (Bermuda) Limited;
- The West of England Ship Owners Mutual Insurance Association (Luxembourg).

Annex 2
Other P&I Clubs authorised by Antigua and Barbuda

- Alandia P&I,
- British Marine,
- British Steamship P&I
- East of England P&I Association Ltd.,
 - Argenta,
 - Brit,
 - Canopus,
 - Flagstone,
 - Talbot,
 - Travellers,
- Great American Insurance Companies,
- Hanseatic P&I,
 - Allianz,
 - Gothaer,
 - Kravag,
 - Sovag,
 - Victoria,
- Hydor AS,
- Ingosstrakh Insurance Company,
- Lodestar Marine Limited,
- Navigators P&I,
 - Navigators Group Inc.,
 - Navigators Insurance Co.,
 - Navigators Speciality Insurance Co.,
- NNPC Noord Nederlandsche P&I Club,
- RaetsMarine Insurance B.V.,
 - Almin Europe N.V.,
 - Almin Lloyds Syndicate 2001
- Tindall Riley Marine Limited (Trading as) Carina Managers,
- Water Quality Insurance Syndicate.

Annex 3
Model Letter for an application for the Issue of an Insurance Certificate

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Application for the issue of a certificate of insurance

Vessel's name

Call sign

IMO number

Dear Sirs,

In accordance with the provisions of Article 12 of the Nairobi International Convention on the Removal of Wrecks, 2007, Article 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 and Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992 we request on behalf of ;

Name of the registered owner (the Company)

the issue of a Certificate of Insurance in respect of (*select relevant requirement below*):

- Civil Liability for Bunker Oil Pollution
- Civil Liability for Oil Pollution Damage
- Liability for the removal of wrecks

for the vessel(s) named above which is/are registered under the flag of Antigua and Barbuda and in the ownership of the Company named above.

For the purpose we enclose a Certificate(s) as evidence of insurance pursuant to the selected Convention(s) which has been issued by:

Name of the Authorised Insurer providing the evidence

on attesting to the fact that there is in force in respect of the vessel a policy of insurance for the period starting on and valid until
start date expiry date

We have been instructed to declare on behalf of the said company that we undertake to notify you immediately in the event of any changes, alterations, or other reasons whatsoever which may cancel, cause or constitute the evidence of insurance to be null and void and that it further understands that the certificate will cease to be valid from the time the evidence of insurance ceases to be in force. In such eventuality the company undertakes to return the certificate to you.

Furthermore the company undertakes to return the certificate to you within 15 days in any case where:

- The vessel ceases to be registered in the ownership of the Company; or
- The certificate has been terminated.

Yours faithfully,

Name

Authorised or empowered signatory

Further we hereby declare that arrangements are in place for meeting our financial security obligations under Regulations 2.5 and 4.2 of the Maritime Labour Convention 2006.

The associated security is provided for by the insurance provider mentioned above or as indicated below:

Authorised or empowered signatory