



INTERSPILL 2012

BUNKERS CONVENTION 2001

LLMC CONVENTIONS

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\ Bunkers Convention 2001

- Entry into force –
- November 2008
- State Parties – 64



Cita – 1997 Isles of Scilly

- Reasons
 - Environmental damage – bunker quantities & types
 - Incidents involving bunker spills
 - CLC as a model

\ Bunkers Convention 2001

Selendang Ayu



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- CLC model

- ✓ strict liability & limitation

- ✓ compulsory insurance & certification

- ✓ direct action & no policy defences

(except wilful misconduct)

...but

X no second layer

X no dedicated limitation fund

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- **Type of ship**

- "Any seagoing vessel and seaborne craft, of any type whatsoever"

- **Liable parties**

- The owners "including the registered owner, *bareboat charterer, manager and operator of the ship*

- **Compulsory Insurance**

- Registered owner
- Insurance & Certification unless ship 1000 gt or less
 - Non-IG insurers

\ Bunkers Convention 2001 & Limitation

- Limitation – why is it relevant?
 - absence of second layer – no IOPC Fund!

Pacific Adventurer
March 2009 Queensland



Full City July 2009 Norway

\ Bunkers Convention 2001 & Limitation

- London Convention on Liability for Maritime Claims 1976
 - "LLMC"

- 1996 Protocol
 - Shipowner entitled to limit liability for certain types of claim

 - Amount dependent on gross tonnage
 - (VLOC – c. USD 77 m.)

\ Bunkers Convention 2001 & Limitation

- No dedicated fund for pollution damage
 - Other types of claim will be made against the fund
- Some claims may fall outside the LLMC fund
 - possible Reservation for Wreck Removal
 - *raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship*

\ Bunkers Convention 2001 & Limitation

Full City

Norwegian
Maritime Code



\ Bunkers Convention 2001 & Limitation

Separate fund required
for
pollution clean-up



04.08.2009 10:36:11 (+0,0 hrs) Dir=85 Lat=N58 57' 43,58" Lon=E009 43' 41,21" Alt=866ft MSL WGS 1984

\ Bunkers Convention 2001 & Limitation

- Limit for the insurer:
 - *“even if the shipowner is not entitled to limitation of liability..., the [insurer] may limit liability to an amount equal to the amount of the insurance or other financial security required to be maintained in accordance with paragraph 1 [LLMC 76 as amended] ”*

