



ANY OTHER BUSINESS

ENTRY INTO FORCE OF THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE (2001) ('BUNKERS CONVENTION')

Submitted by the International Group of P&I Clubs

Summary:

This document is a follow up to document 92FUND/EXC.40/10 submitted to the March 2008 meetings of the IOPC Funds on the entry into force of the 2001 Bunkers Convention. Since that meeting contact has been made with a number of States Parties to the Bunkers Convention to determine the situation with regard to the issue of certificates to vessels registered in non-contracting States.

To date, the International Group is not aware of any State Party that is prepared to issue certificates to such vessels unless they are calling at a port or terminal in that State. Clearly this raises significant cause for concern.

Action to be taken: Information to be noted.

1 **Introduction**

The International Group of P&I Clubs (International Group) recognises that the subject matter dealt with in this document is a matter that should be considered by the Legal Committee of the International Maritime Organization (IMO). However, given that the next meeting of the IMO Legal Committee is due to take place only one month prior to the entry into force of the Bunkers Convention and that shipowners will wish to obtain the necessary Bunkers Convention certificates sufficiently in advance of the entry into force date in November, the International Group considers that it is appropriate and of guidance to States to raise this matter again in the IOPC Fund.

2 **Bunkers Convention - Certification**

- 2.1 As of 10 June 2008, 22 States have either ratified or acceded to the Convention, representing approximately 29% of the world tonnage.
- 2.2 Every ship that is registered in a Bunkers Convention State Party or enters or leaves a port in the territory of a State Party, and has a gross tonnage (GT) greater than 1 000, will be required to maintain insurance or other financial security in accordance with the provisions of the Convention and to obtain a certificate issued by a State Party attesting that such insurance or financial security is in force.
- 2.3 Where a ship is registered in a State Party to the Bunkers Convention, a State certificate must be obtained from the appropriate authority of the State of the ship's registry. A ship registered in a State

that is not party to the Convention will need to obtain a certificate from a State Party, if it is trading to or from a State Party.

- 2.4 The problem arises in respect of ships registered in a State that is not party to the Convention.
- 2.5 Contacts have been made with a number of States Parties to the Bunkers Convention and, to date, the International Group is not aware of any State that is prepared to issue certificates to ships registered in a non-State party unless calling at a port or terminal in the State. Shipowners will seek to obtain both their certificate of financial responsibility ('blue card') from their P&I providers and their State certificates as soon as possible. This will be necessary in order to avoid delay at the time of entry into port of a State Party following entry into force of the Convention. It will not however be possible for the majority of shipowners registered in non-States Parties to provide evidence in the coming months to the relevant authority in a State party that they will be calling at one of their ports or terminals following entry into force of the Convention in November this year.
- 2.6 Clearly this situation, which was raised with States in document 92FUND/EXC.40/10 at the March 2008 meetings of the IOPC Funds, is of concern to the industry and has the potential to cause significant problems when the Convention enters into force, including the risk of delays of vessels entering ports or terminals in a State Party.

3 Action to be taken by the Assembly

The Assembly is invited to take note of the information contained in this document.
