	<p style="text-align: center;">GOVERNMENT OF ANTIGUA AND BARBUDA</p> <p style="text-align: center;">DEPARTMENT OF MARINE SERVICES AND MERCHANT SHIPPING (ADOMS)</p> <p style="text-align: center;">Circular 09-001-08</p> <p style="text-align: center;">International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001</p>	Document	Circ. 09-001-08
		Revision	04
		Page	1 of 5
		Reference	International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001. Res.A. 1028(26)

Circular Letter to:

**All companies having their ships registered under the flag of Antigua and Barbuda W.I.
All ships registered under the flag of Antigua and Barbuda W.I.
All Protection and Indemnity Clubs (P&I Clubs) providing insurance for bunker oil
pollution damage for ships registered under the flag of Antigua and Barbuda W.I.**

1. General

1.1 The Department of Marine Services and Merchant Shipping, Antigua and Barbuda (ADOMS) wishes to draw the attention of all parties concerned to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 which entered into force on the 21st November 2008.

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, when carried as fuel in ships bunkers.

1.3 Under the Convention the ship-owner is rendered liable to pay for pollution damage caused in the territory of a State Party.


1.4 Antigua and Barbuda acceded to the Convention on the 19th December 2008. In accordance with Article 14.2 of the Convention, the entry into force date for Antigua and Barbuda is the 19th March 2009.

1.5 IMO General Assembly 26 adopted draft Res. A. 1028(26) and recommended that all State Parties to the Convention recognize that Bunkers Certificates should be issued by the flag State if the flag State is party thereto. **This enters into force immediately.**

1.6 This circular is aimed at providing all the above mentioned parties 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 thereof.

2. Application of the Convention

2.1 The Convention applies to pollution damage caused on 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

	<p style="text-align: center;">GOVERNMENT OF ANTIGUA AND BARBUDA</p> <p style="text-align: center;">DEPARTMENT OF MARINE SERVICES AND MERCHANT SHIPPING (ADOMS)</p> <p style="text-align: center;">Circular 09-001-08</p> <p style="text-align: center;">International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001</p>	Document	Circ. 09-001-08
		Revision	04
		Page	2 of 5
		Reference	International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001. Res.A. 1028(26)

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.

2.2 *Gross tonnage* means gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 of the International Convention on Tonnage Measurement of Ships, 1969.

3. Compulsory Insurance

3.1 The registered owner of a ship having a gross tonnage greater than 1000 shall be required to maintain an insurance cover (Blue Card) ensuring the liability of the registered owner for bunker oil pollution damage.

3.2 The shipowner/person(s) providing the insurance coverage maintains the right to limit their liability under Antigua and Barbuda's National Law, which reflects the international regime of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended.

4. Evidence of insurance


4.1 Evidence of insurance must be in the form of a certificate issued:

4.1.1 Where an owner's liability is wholly covered by insurance provided by a Protection and Indemnity Club (P&I Club) in the form of a Blue Card;

4.1.2 When the Evidence (Blue Card) furnished with respect to a ship originates from a P&I Club which is a member of the International Group of P&I Clubs (hereinafter called the "International Group") it is assumed that the insurance is sufficient. Consequently, no individual accreditation by ADOMS St. John's is required. A table of the P&I Clubs which are members of the International Group of P&I Clubs is set out in *Annex B* to this Circular.

4.1.3 When the Evidence (Blue Card) furnished with respect to a ship originates from a **P&I Club which is not a member of the International Group** then a written application for verification and accreditation must be submitted to:

Department of Marine Services and Merchant Shipping
Antigua and Barbuda
Corner Popeshead & Dickenson Bay Streets

	GOVERNMENT OF ANTIGUA AND BARBUDA DEPARTMENT OF MARINE SERVICES AND MERCHANT SHIPPING (ADOMS) Circular 09-001-08 International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001	Document	Circ. 09-001-08
		Revision	04
		Page	3 of 5
		Reference	International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001. Res.A. 1028(26)

P.O. Box 1394
St. John's
Antigua W.I.
Phone: +1 - 268 - 462 1273
Fax: +1 - 268 - 462 4358
E-mail: marineserv@candw.ag

4.1.4 The letter of application required as per 4.1.3 shall contain the following:

4.1.4.1 Declaration regarding the re-insurers of the P&I Club providing the insurance so that the financial strength of the P&I Club may be ascertained;

4.1.4.2 Declaration by the P&I Club providing the insurance with respect to acceptance of its insurance offered by ships of other flag states, with a particular reference to the name of the each state and the number of ships per state;

4.1.4.3 The ability of the P&I Club providing the insurance cover, including its ability to cover the amount of the re-insurance.


4.1.5 In the event where ADOMS St. John's is not satisfied regarding the financial strength of the P&I Club providing the insurance and which is not a member of the International Group, ADOMS may reject the relevant application for the issuance of a BC Certificate. A list of the P&I clubs that are accredited by ADOMS are listed at *Annex C* to this circular.

4.1.6 Any change or early termination of the insurance cover will invalidate the certificate and ADOMS must be notified immediately.

5. Submission of application for issuing Bunker Convention (BC) Certificates

5.1 All ships registered with Antigua and Barbuda (permanent and bareboat) are required to apply for an initial, and when necessary, a renewal bunker certificate from this Administration.

5.2 In light of the IMO General Assembly Res. A 1028(26), as it relates to bareboat registered ships, this Administration will immediately start accepting application for the renewal of bunker certificates for bareboat registered ships for the insurance period 2010/2011.

	GOVERNMENT OF ANTIGUA AND BARBUDA DEPARTMENT OF MARINE SERVICES AND MERCHANT SHIPPING (ADOMS) Circular 09-001-08 International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001	Document	Circ. 09-001-08
		Revision	04
		Page	4 of 5
		Reference	International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001. Res.A. 1028(26)

5.3 For the purpose of issuing BC Certificates an application letter is to be submitted in due time to:

Department of Marine Services and Merchant Shipping
Antigua and Barbuda
Am Patentbusch 4
D-26125 Oldenburg
Germany
Phone: +49- (0) 441 – 93 95 90
Fax: +49-(0) 441 – 93 95 9-29
E-Mail: info@antiguamarine.com

5.2 The application letter is submitted either by the legal representative of the ship owner, or by an empowered officer of the ship owning company, or by an empowered officer of the ship management company or the bareboat charterer in the form set out in *Annex A* to this Circular.


5.3 The application should be accompanied by the evidence of maintaining in force insurance for Bunker Oil Pollution Damage in accordance with the provisions of Article 7.1 of the Convention.

5.4 The following particulars **must** be correctly mentioned and contained in the certificate of insurance cover:

- 5.4.1 name of ship, distinctive numbers or letters and port of registry;
- 5.4.2 name and principal place of business of the registered owner;
- 5.4.3 IMO ship identification number;
- 5.4.4 type and duration of insurance;
- 5.4.5 name and principal place of business of insurer and place of business where the insurance is established;
- 5.4.6 period of validity of the insurance.

5.5 ADOMS Oldenburg accepts applications by mail, fax, or electronic mail, and urges all applicants to submit applications at their earliest convenience.

5.6 Applications received by ADOMS Oldenburg, later than 31st January 2010, may not be dealt with sufficiently in time for the coming insurance period starting 20th February 2010.

	GOVERNMENT OF ANTIGUA AND BARBUDA DEPARTMENT OF MARINE SERVICES AND MERCHANT SHIPPING (ADOMS) Circular 09-001-08 International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001	Document	Circ. 09-001-08
		Revision	04
		Page	5 of 5
		Reference	International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001. Res.A. 1028(26)

6. Certification

6.1 Following receipt of proof of insurance a BC Certificate will be issued to each ship that satisfies the requirements of the Convention. The certificate shall be carried onboard the ship.

6.2 Shipowners are reminded that ships found without a valid BC Certificate on board could be subject to detention by Port State control officers of other contracting Governments.

6.3 All Antigua and Barbuda ships which have a valid certificate attesting that insurance or other financial security is in force in accordance with the provisions of the Convention in respect of civil liability for bunker oil pollution damage, issued or certified by the appropriate authority of a foreign State Party and valid after the 19th March 2009, shall remain valid for the period of validity of that certificate.

7. Fees

7.1 No fees will be charged for the issuance of a BC Certificate.

7.2 The fees for these certificates are contained in the fees to be paid under Section 26A of the Antigua and Barbuda Merchant Shipping Act, 2006.

December 2009

**Department of Marine Services
and Merchant Shipping (ADOMS St. John's)
Antigua and Barbuda W.I.**