



TUVALU SHIP REGISTRY

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MARINE CIRCULAR

MC-1/2008/11/2

8/2016

FOR: Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Flag State Inspectors

SUBJECT: INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE, 2001 (BUNKER CONVENTION)

DEFINITIONS:

The following abbreviations stand for:

- "GT" – Gross Tonnage in accordance to ITC 69
- "BCC" – Bunker Convention Certificate

The following terms shall mean:

- "Administration" shall mean the Tuvalu Ship Registry; and
- "Convention" shall mean the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunker Convention).

PURPOSE:

This Marine Circular serves to update Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Flag State Inspectors that Tuvalu has on 12 April 2009 acceded to the Bunker Convention and is therefore able to issue BCC for Tuvalu flagged ships, as well as ships registered in States which are not a party to the Bunker Convention.

REFERENCES:

- (a) International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunker Convention)
- (b) Tuvalu Marine Circular MC-1/2004/1 – P&I Clubs Accepted by Tuvalu

APPLICATION:

The Bunker Convention came into force on 21 November 2008 requiring all ships over 1,000 GT that calls at a port or arriving at or leaving an offshore facility in the territorial waters of a State Party to the Bunker Convention to obtain a BCC from a State party to the Convention.

Oil tankers above 1,000 GT are already covered by CLC 92 if they carry oil in bulk as cargo (i.e. laden) or have oil residues onboard on a ballast voyage following the carriage of oil in bulk as cargo, and as such do not require to obtain a BCC when entering or leaving the ports or territorial waters of a State Party to the Bunker Convention. However, BCC is required for oil tankers above 1,000 GT if it can be proven that there are no residues from the carriage of oil in, or remaining in its cargo tanks (i.e. "clean" condition).

CONTENTS:

1. General

- 1.1. The Bunker 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, and is seen as a means to plug the gap in the Convention on Civil Liability for Oil Pollution Damage 1992 (CLC 92).
- 1.2. Tuvalu has, on 12 April 2009, acceded to the Bunker Convention and is able to issue BCC for Tuvalu flagged ships, as well as ships registered in States which are not a party to the Bunker Convention, to attest that there is in place insurance or other financial security to cover liability for bunker oil pollution damage.

2. Procedure for BCC Certification

2.1. For Tuvalu Flagged Ships

- 2.1.1. The registered owner is required to obtain a Bunker Convention "Blue Card" from their insurers (P&I club), evidencing that there is in place insurance meeting the liability requirements of the Convention, and submit this to the Administration in order to apply for a BCC.
- 2.1.2. BCC "Blue Cards" are to be submitted by email to this Administration at support@tvship.com
- 2.1.3. This Administration shall then verify the Bunker Convention "Blue Card(s)" with the P&I Club and issue the BCC if all is in order.
- 2.1.4. This Administration accepts a Bunker Convention "Blue Card" as proof of insurance or financial security issued by P&I Clubs found in Tuvalu Marine Circular MC-1/2004/1.
- 2.1.5. The period of validity of the BCC is in principle the same as that of the insurance in place or financial security provided i.e. as stated on the Bunker Convention "Blue Card".

2.2. For non-Tuvalu Flagged Ships who wishes to apply for a BCC as their flag under a non-State Party, the same procedures above will apply. However, in addition to submitting a copy of the Bunker Convention "Blue Card", the following are required:

- 2.2.1. A Bunker Convention "Blue Card" issued by a P&I club meeting the requirements of Section 2.1.4 above; and
- 2.2.2. Submission of a copy of the ship's Certificate of Registry which clearly states the information of Registered Owner.

This Administration shall not issue BCCs for vessels that are already flagged under a State Party.

Yours sincerely,

Deputy Registrar
Tuvalu Ship Registry