

29 August 2008

**TO ALL MEMBERS OF CLASS 3
PROTECTION AND INDEMNITY**

**TO ALL MEMBERS OF CLASS 6
FREIGHT, DEMURRAGE AND DEFENCE**

The Britannia Steam Ship
Insurance Association Limited

Managers
Tindall Riley (Britannia) Limited
New City Court
20 St Thomas Street
London SE1 9RR

Tel +44 (0)20 7407 3588
Fax +44 (0)20 7403 3942
www.britanniapandi.com

Dear Sirs

Entry into force of the Bunkers Convention – State Certification

Members have previously been advised that the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (the “Bunkers Convention”) will enter into force in States Parties (updated list below) on 21 November 2008 and that Clubs in the International Group have agreed to issue the required Bunker Convention Blue Cards to enable States Parties to issue certificates and that ships registered in a State Party need only obtain a State certificate from that State. (The Club's Circulars; Entry into force of the Bunkers Convention - certification requirements and issuance of Blue Cards and State certificates, 13 May 2008, and, Entry into force of the Bunkers Convention - update on State certification requirements and issuance of Blue Cards, July 2008, refer.)

Ships registered in a State not party to the Convention

Ships registered in a State which is not party to the Convention and which require a certificate because they are calling at a port or arriving at or leaving an offshore facility in the territorial waters of a State Party to the Convention after the entry into force date must obtain a State issued certificate from a State Party to the Convention. Discussions with States Parties would suggest that the majority are prepared to issue certificates to such ships if calling at a port in their territory, or arriving at or leaving an offshore facility in their territorial waters, after the entry into force date of the Convention and upon production of sufficient evidence that such a ship call is planned.

A small number of States Parties have now agreed to issue certificates to ships registered in a State not party to the Convention irrespective of whether they are calling at a port in their territory or arriving at or leaving an offshore facility in their territorial waters after the entry into force date. Since the Blue Card is required to be addressed to a State Party that is willing to issue the certificates to such ships, it is now possible for the Clubs in the International Group to issue Blue Cards to ships registered in a State not party to the Convention.

Ideally, if calling at a port or offshore facility in a State Party, the certificate should still be obtained from the issuing authority of that particular State. Alternatively, in the event that this is not possible, certificates for ships registered in a State not party to the Convention can now be obtained from either:

UK

CLC Bunkers 2/13
Maritime and Coastguard Agency
Spring Place
105 Commercial Road
Southampton
SO15 1EG
UK

Telephone: +44 (0)23 80329110 (public enquiries)
Fax: +44 (0) 23 8032 9447
Internet: <http://www.ukshipregister.co.uk/ukr-home/forms.htm>
Email address (s): bunkers@mcga.gov.uk
General Enquiries: infoline@mcga.gov.uk
Contact person: Richard Tong, + 44 (0)23 80 839 562

Liberia

Liberian International Ship & Corporate Registry
ATTN: Bunker CLC Applications
8619 Westwood Center Drive, Suite 300
Vienna, Virginia 22182, USA
Email contact: clc@liscr.com

Tel: 1+ 703 790 3434
Fax: 1+ 703 790 5655

or,

Cyprus

Director
Department of Merchant Shipping
Registrar of Cyprus Ships
Kyllinis Street, Mesa Geitonia
CY-4007 LIMASSOL
Cyprus

Telephone: +357 25 848 100
Fax: +357 25 848 200
E-mail: maritimeadmin@dms.mcw.gov.cy
Internet: www.shipping.gov.cy
Contact person(s): telephone direct: + 357 25 848 237

It should be noted that the UK has also agreed to issue certificates to Red Ensign flagged vessels (Bermuda, Cayman Islands, Gibraltar, the Isle of Man, and the British Virgin Islands) as the UK has not, at present, extended UK ratification of the Convention to their Overseas Territories/Crown Dependencies, and that Cyprus has only agreed to issue a limited number of certificates to ships registered in a State not party to the Convention.

A small number of States Parties have also agreed to issue certificates to ships in a State not party to the Convention if the owners of such ships have a physical presence in, or an economic link with, their State e.g. Germany. Members in such a position are recommended to contact the authorities in the relevant State Party to determine if this is the case. Relevant contact details can be provided on request.

In order to ease the administrative burden on the above mentioned States Parties, Members with ships registered in a State not party to the Convention are recommended to contact the Club as soon as possible to assist in determining the most appropriate issuing State and to allow the Club to issue the Blue Cards.

Pollution Charterparty Clauses

In September, 1996, the Club circulated an amended clause for inclusion in charterparties of tankers to reflect the 1992 Protocol to the Civil Liability Convention, and the OPA requirements concerning certification which apply in the United States. These clauses have been updated and combined in a new single charterparty clause to reflect the forthcoming entry into force of the Bunkers Convention. Before entering these clauses in charterparties, Members should ensure that they do have the necessary certification in place.

States Party to the Convention (as at August 2008)

Bahamas, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Germany, Greece, Hungary, Jamaica, Latvia, Lithuania, Liberia, Luxembourg, Marshall Islands, Norway, Poland, Samoa, Sierra Leone, Singapore, Slovenia, Spain, Tonga, the United Kingdom.

Yours faithfully
Tindall Riley (Britannia) Limited
Managers

A similar circular will be issued by other members of the International Group of P&I Associations.

This circular should be placed in the Binder in Section 4. Pollution.

Annex

FINANCIAL RESPONSIBILITY IN RESPECT OF POLLUTION

1. Owners warrant that throughout the currency of this charter they will provide the vessel with the following certificates:

(a) If the vessel is over 1,000 gross tons and is registered in, or is required to enter a port or offshore facility in the territorial sea of, a State Party to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, a certificate issued pursuant to Article 7 of that Convention.

(b) If the vessel is constructed or adapted for the carriage of persistent oil in bulk as cargo and is carrying more than 2,000 tons of such cargo, a certificate issued pursuant to Article 7 of the International Convention on Civil Liability for Oil Pollution Damage, 1992, as applicable.

(c) If the vessel is over 300 gross tons and is required to enter US navigable waters or any port or place in the US, a certificate issued pursuant to Section 1016 (a) of the Oil Pollution Act 1990, and Section 108 (a) of the Comprehensive Environmental Response, Compensation and Liability Act 1980, as amended, in accordance with US Coast Guard Regulations, 33 CFR Part 138.

2. Notwithstanding anything whether printed or typed herein to the contrary,

(a) save as required for compliance with paragraph (1) hereof, owners shall not be required to establish or maintain financial security or responsibility in respect of oil or other pollution damage to enable the vessel lawfully to enter, remain in or leave any port, place, territorial or contiguous waters of any country, state or territory in performance of this charter.

(b) Charterers shall indemnify owners and hold them harmless in respect of any loss, damage, liability or expense (including but not limited to the costs of any delay incurred by the vessel as a result of any failure by the charterers promptly to give alternative voyage orders) whatsoever and howsoever arising which owners may sustain by reason of any requirement to establish or maintain financial security or responsibility in order to enter, remain in or leave any port, place or waters, other than to the extent provided in paragraph (1) hereof.

(c) Owners shall not be liable for any loss, damage, liability or expense whatsoever and howsoever arising which charterers and/or the holders of any bill of lading issued pursuant to this charter may sustain by reason of any requirement to establish or maintain financial security or responsibility in order to enter, remain in or leave, any port, place or waters, other than to the extent provided in paragraph (1) hereof.

3. Charterers warrant that the terms of this clause will be incorporated effectively into any bill of lading issued pursuant to this charter.