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FLEET / SAFETY LETTER 021015.GEN

10 February 2015

Applicable to: This circular should be brought to the attention of ship-owners, ship managers, operators and masters of Vanuatu-registered ships.

Re: NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS, 2007

The Nairobi International Convention on the Removal of Wrecks enters into force on 14 April 2015.

Vanuatu is in the process of ratifying the Convention. However, the process will not be completed before the Convention enforcement deadline. In the meantime VMSL has contracted with and authorized the registry of Cook Islands to provide the insurance verification certificate until such time that Vanuatu becomes a signatory of the Convention. VMSL has provided **mandatory** instructions below for owners, managers and operators to follow to obtain the required certificate. The official Web address **must** be used. See below:

<https://secure.maritimcookislands.com/wreck/application.php?dr=CIDR-58>

It is important to forward copies of all certificates to VMSL NY either electronically or by courier.

In anticipation of this convention coming into force, VMSL would like to ensure that owners are aware of the two primary concerns for vessel owners/operators.

Article 5 Reporting wrecks

1. A State Party shall require the master and the operator of a ship flying its flag to report to the Affected State without delay when that ship has been involved in a maritime casualty resulting in a wreck. To the extent that the reporting obligation under this article has been fulfilled either by the master or the operator of the ship, the other shall not be obliged to report.
2. Such reports shall provide the name and the principal place of business of the registered owner and all the relevant information necessary for the Affected State to determine whether the wreck poses a hazard in accordance with article 6, including:
 - (a) the precise location of the wreck;
 - (b) the type, size and construction of the wreck;
 - (c) the nature of the damage to, and the condition of, the wreck;
 - (d) the nature and quantity of the cargo, in particular any hazardous and noxious substances; and
 - (e) the amount and types of oil, including bunker oil and lubricating oil, on board.

Please send any report to VMSL NY with the required information. This can be submitted using the D-1 form which is downloadable from our website.

Article 12 of this convention states:

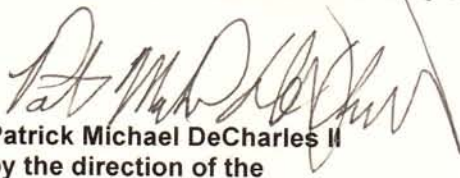
Compulsory insurance or other financial security

1. The registered owner of a ship of 300 gross tonnage and above and flying the flag of a State Party shall be required to maintain insurance or other financial security, such as a guarantee of a bank or similar institution, to cover liability under this Convention in an amount equal to the limits of liability under the applicable national or international limitation regime, but in all cases not exceeding an amount calculated in accordance with article 6(1)(b) of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended.

2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship of 300 gross tonnage and above by the appropriate authority of the State of the ship's registry after determining that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a State Party, such certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a State Party it may be issued or certified by the appropriate authority of any State Party. This compulsory insurance certificate shall be in the form of the model set out in the annex to this Convention, and shall contain the following particulars:

- (a) name of the ship, distinctive number or letters and port of registry;
- (b) gross tonnage of the ship;
- (c) name and principal place of business of the registered owner;
- (d) IMO ship identification number;
- (e) type and duration of security;
- (f) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established; and
- (g) period of validity of the certificate, which shall not be longer than the period of validity of the insurance or other security.

3. (a) A State Party may authorize either an institution or an organization recognized by it to issue the certificate referred to in paragraph 2. Such institution or organization shall inform that State of the issue of each certificate. In all cases, the State Party shall fully guarantee the completeness and accuracy of the certificate so issued and shall undertake to ensure the necessary arrangements to satisfy this obligation.



Patrick Michael DeCharles II
by the direction of the
Deputy Commissioner of Maritime Affairs
The Republic of Vanuatu

