

VANUATU MARITIME SERVICES LIMITED

42 BROADWAY, SUITE 1200-18
NEW YORK, NEW YORK 10004-1617

Email: email@vanuatuships.com
Website: www.vanuatuships.com

Telephone: 212-425-9600
Fax: 212-425-9652

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FLEET / SAFETY LETTER 08096.GEN

RE: INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE, 2001

» » » » » **NOVEMBER 21, 2008** « « « « «
REMEMBER THIS DATE!

The *International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001* ("Bunker Convention") goes into force on **November 21, 2008** for all registered owners with ships of over **1000 gross tonnage (ITC)**.

The Republic of Vanuatu acceded to the Bunker Convention on June 20, 2008.

PURPOSE

The purpose of the Bunker Convention is to ensure that adequate, prompt and effective compensation is available to persons who suffer damage caused by bunker oil pollution from ships other than oil tankers, caused in the territory, including the territorial sea of a State Party, and in the exclusive economic zone of a State Party.

DEFINITIONS (Article 1.9)

Pollution Damage

The loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and the costs of preventive measures and further loss or damage caused by preventive measures.

Bunker Oil

Any hydrocarbon mineral oil, including lubricating oil, used or intended to be used for the operation or propulsion of the ship, and any residues of such oil.

REQUIREMENTS

The Bunker Convention requires the maintenance of compulsory insurance or financial security, the proof of such coverage shall be through certification.

- ***Compulsory insurance or financial security (Article 7)***

Owners of ships greater than 1000 gt (ITC tonnage) are required to maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover the liability of the registered owner for pollution damage 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 the Convention on Limitation of Liability for Maritime Claims, 1976, as amended.

A certificate attesting that insurance or other financial security is in force shall be issued to each ship.

- **Certification Requirements**

The **Certificate of Insurance or Other Financial Security in Respect of Civil Liability for Bunker Oil Pollution Damage** (Bunker Certificate) will be issued by Vanuatu upon request and upon receipt of proof of liability insurance or other financial security submitted by the registered owner.

Proof may be, amongst other proof of liability insurance, in the form of a “Blue Card” provided by a member of the P&I Clubs, verifying liability coverage is in full force and in effect for the vessel.

In the case of a self-insurer, proof of coverage must fully comply with the requirements of the Convention.

The Bunker Certificate will contain:

- Vessel name
- Official number
- Port of registry
- IMO number
- Registered owner's name and principal place of business
- The period of validity

The Bunker Certificate, like the CLC Certificate, must be carried on board the vessel at all times.

Owners of vessels to which this Convention applies, should apply now for Vanuatu Bunker Certificates in order to be compliant by the enforcement date: **NOVEMBER 21, 2008**.

For a copy of the “Bunker Convention”, visit the IMO website (www.imo.org).

Best regards,

Captain Art Bjorkner
Senior Manager
Safety, Quality and Security

Donald J. Sheetz
Executive Vice President

Website: www.vanuatuships.com

Email: email@vanuatuships.com