

6th May 1998

TO ALL TANKER MEMBERS

Dear Sirs,

BLUE CARDS CLC CERTIFICATES 1969 AND 1992 CIVIL LIABILITY CONVENTIONS

Members are referred to Circular No. T:024 of 5th January 1998. As stated in that Circular, from midnight on 15th May 1998 two separate regimes will be in force: the 1969 Civil Liability Convention (CLC) and the 1992 CLC. It may therefore be necessary for ships to carry on board both a 1969 and a 1992 certificate after that date.

A list of States which will be parties to the 1992 CLC as from midnight on 15th May 1998 is attached as Annex 1. A list of States which will be parties to the 1969 CLC as from midnight on 15th May 1998 is attached as Annex 2.

TANKERS FLYING THE FLAGS OF 1992 CLC STATES OR THE FLAGS OF STATES WHICH ARE NOT PARTIES TO EITHER THE 1969 OR THE 1992 CLC

This section is only applicable to ships flying the flags of a State party to the 1992 CLC (see Annex 1) or of States which are not parties to either 1969 or 1992 CLC, i.e. States which are not listed in Annex 1 or Annex 2.

IMO Legal Committee discussions

The problem of certificates was discussed at the Legal Committee of the International Maritime Organisation (IMO) when it met in London on 20th-24th April 1998. At the end of the week the Committee issued the attached circular (Annex 3). The Committee recommends that:

- (a) where legally possible in accordance with their national law, States party to the 1969 CLC accept CLC certificates issued by States party to the 1992 CLC as proof that a ship has insurance cover as required by the 1969 CLC; and
- (b) States party to the 1969 CLC continue the established practice of issuing 1969 CLC certificates to ships flying the flag of non-party States and accept such certificates issued by other States party to the 1969 CLC.

Effect of IMO Legal Committee Recommendations

- (A) Some 1969 CLC States have in place legislation which will not permit them to accept 1992 CLC certificates in place of 1969 CLC certificates e.g. Canada and Italy. It will be necessary when calling at these countries for ships to have on board a 1969 CLC

certificate. Panama has indicated that it would be prepared to provide 1969 CLC certificates for 1992 CLC flag ships. These certificates can be obtained in exchange for a blue card addressed to the Panamanian Registry on application to the Panamanian Consulates in London, New York or Tokyo. The cost of the certificate will be USD100. The addresses of the Consulates are:

Consulate General of Panama,
Panama House,
40 Hertford Street,
London, W1Y 7IG, United Kingdom
Tel: + 44 171 409 2255
Fax: + 44 171 493 4499

Consulate of New York,
Mr. Francisco Iglesias - Consul,
1212 Avenue of the Americas,
10th Floor,
New York, N.Y. 10036, U.S.A.
Tel: + 1 212 840 2450
Fax: + 1 212 840 2469

Consulate of Tokyo,
Mr. Mario Medaglia O. - Consul,
Kowa Building, No.5 R, 802,
4-15-23 Nishi Azabu,
Minato-Ku, Tokyo 106, Japan
Tel: + 81 3 3499 3661
Fax: + 81 3 3499 3666

It is likely that other 1969 CLC States will also be prepared to issue certificates.

- (B) Some 1969 CLC States have indicated that they would not insist on the carriage on board of a 1969 CLC certificate provided that the ship carries on board a 1992 CLC certificate and a 1969 CLC blue card addressed to a 1969 flag state. Malaysia is one such State.
- (C) Some 1969 CLC States have agreed to accept 1992 CLC certificates as evidence of 1969 CLC liabilities, e.g. Indonesia.

In order to ensure world-wide trading, ships flying the flag of 1992 CLC States and ships flying the flag of a State which is not party to the 1969 CLC are recommended to carry on board the following:

- * a copy of the IMO Circular;
- * a 1992 CLC certificate; and
- * a 1969 CLC certificate (this may be substituted by a 1969 CLC blue card addressed to a 1969 flag state provided a shipowner is not calling at ports in a country where there is in place national legislation which forbids the acceptance of a 1992 CLC certificate as evidence of insurance in accordance with the 1969 Convention).

Should Members wish for a 1969 CLC blue card they are recommended to contact the Association.

TANKERS FLYING THE FLAGS OF 1969 CLC STATES

This section is only applicable to ships flying the flag of a State party to the 1969 CLC (see Annex 2).

As from midnight on 15th May 1998 it will be necessary for ships in this category to carry on board a 1992 CLC certificate. This can be obtained in exchange for a blue card from:

Department of Transport,
Marine Office,
Central Court, 1B Knoll Rise,
Orpington, Kent, BR6 0JA, United Kingdom
Tel: + 44 1689 890400
Fax: + 44 1689 890446

The registration fee is GBP33.

A circular in similar terms is being sent by all the other Clubs in the International Group.

Yours faithfully,
A. BILBROUGH & CO. LTD.
(Managers)

STATES PARTY TO THE 1992 CLC¹

(as at midnight on 15th May 1998)

Australia, Bahamas, Bahrain, Bermuda², British Virgin Islands², Cyprus, Denmark, Egypt, Finland, France, Germany, Greece, Ireland, Isle of Man², Japan, Korea (Republic of), Liberia, Marshall Islands, Mexico, Monaco, Netherlands, Norway, Oman, Spain, Sweden, Switzerland, Tunisia, United Kingdom.

The 1992 CLC will enter into force in:

Croatia at midnight on 11th January 1999.

Grenada at midnight on 6th January 1999.

Jamaica at midnight on 5th June 1998.

Philippines at midnight on 6th June 1998.

Singapore at midnight on 17th September 1998.

United Arab Emirates at midnight on 18th November 1998.

Uruguay at midnight on 8th July 1998.

¹ Although every attempt has been made to ensure the accuracy of the information listed, Members intending to rely on the information should check with the relevant authorities.

² Ratification effected by the United Kingdom.

STATES PARTY TO THE 1969 CLC¹

Albania, Algeria, Antigua & Barbuda, Barbados, Belgium, Belize, Benin, Brazil, Brunei Darussalam, Cambodia, Cameroon, Canada, Cayman Islands², Chile, China (People's Republic of), China Hong Kong SAR, Colombia, Costa Rica, Côte d'Ivoire, Croatia³, Djibouti, Dominican Republic, Ecuador, Equatorial Guinea, Estonia, Fiji, Gabon, the Gambia, Georgia, Ghana, Gibraltar², Guatemala, Guyana, Iceland, India, Indonesia, Italy, Kazakhstan, Kenya, Kiribati, Kuwait, Latvia, Lebanon, Luxembourg, Madeira⁴, Malaysia, Maldives, Malta, Mauritania, Mauritius, Morocco, Mozambique, New Zealand, Nicaragua, Nigeria, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Russian Federation, Saint Kitts & Nevis, Saint Vincent & the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore⁵, Slovenia, Solomon Islands, South Africa, Sri Lanka, Syrian Arab Republic, Tonga, Tuvalu, United Arab Emirates⁶, Vanuatu, Venezuela, Yemen, Yugoslavia.

¹ Although every attempt has been made to ensure the accuracy of the information listed, Members intending to rely on the information should check with the relevant authorities.

² Ratification effected by the United Kingdom.

³ The 1992 CLC will enter into force at midnight on 11th January 1999 in Croatia.

⁴ Ratification effected by Portugal.

⁵ The 1992 CLC will enter into force at midnight on 17th September 1998 in Singapore.

⁶ The 1992 CLC will enter into force at midnight on 18th November 1998 in the United Arab Emirates.

CLC INSURANCE CERTIFICATES DRAFT LEGAL COMMITTEE CIRCULAR

Introduction

- 1 Article VII of the International Convention on Civil Liability for Oil Pollution Damage (CLC) makes insurance compulsory for ships carrying more than 2,000 tons of oil in bulk as cargo. Such ships must carry a certificate issued by a State as proof of compliance with this requirement.
- 2 Since 30th May 1996, two versions of the CLC have been in force simultaneously: the original Convention of 1969, and that Convention as amended by the Protocol of 1992. This has not created many practical difficulties. Those States which are party to both the 1969 and 1992 CLC have generally continued to accept certificates issued by States which are party only to the 1969 CLC.
- 3 On 16th May 1998 States party to the 1992 CLC will cease to be party to the 1969 CLC. This has resulted in some confusion regarding the issue and recognition of CLC certificates. This circular seeks to provide clarification.

The legal framework and State practice

- 4 Article VII of the 1969 CLC only makes explicit provision for each State party to issue certificates to ships registered in that State and for their mutual recognition by other States party. Article VII of the 1992 CLC makes clear that States party may also issue certificates to ships registered in non-party States, and that these must be recognised by other States party.
- 5 The changes made to Article VII by the 1992 Protocol simply put long-standing State practice on a clear legal footing. Legislation implementing the 1969 CLC in some States makes explicit provision for the issue of certificates to ships not registered in a Contracting State. These States have also accepted 1969 CLC certificates which other States party have issued to ships registered in non-party States.

The problem and recommended solutions

- 6 From 16th May 1998, the owners of ships registered in a State party to the 1969 CLC will need to have obtained a 1969 CLC certificate from their flag State and a 1992 CLC certificate from a State party to the 1992 CLC. They can then trade freely, confident in the knowledge that these certificates will be accepted by other States party.
- 7 The position is less simple for ships registered in States party to the 1992 CLC. In order to minimise the practical problems caused when States party to the 1992 CLC cease to be party to the 1969 CLC, the Legal Committee, **recalling Resolution 1 of the CLC Conference on the recognition of certificates issued in accordance with the International Convention on Civil Liability for Oil Pollution Damage, 1969 and the International Convention of Civil Liability for Oil Pollution Damage, 1992, finds it**

desirable that parties to those Conventions make all efforts to facilitate the recognition of certificates required by the Conventions for a period in which these instruments co-exist. The Legal Committee recommends:

ANNEX 3
(Continued)

- (a) that, where legally possible in accordance with their national law, States party to the 1969 CLC accept CLC certificates issued by States party to the 1992 CLC as proof that a ship has insurance cover as required by the 1969 CLC; and
 - (b) that States party to the 1969 CLC continue the established practice of issuing 1969 CLC certificates to ships not registered in a State party to the 1969 CLC and accept such certificates issued by other States party to the 1969 CLC.
- 8 The Committee also welcomes the statement by the International Group of P&I Clubs that, where there is in force a policy of insurance satisfying the requirements of Article VII of the 1992 CLC, there is also in force a policy of insurance satisfying the requirements of Article VII of the 1969 CLC.
- 9 The Committee requests that Member States bring the contents of this Circular to the attention of the managers of their shipping registries, port State control inspectors and other interested parties.