

Information on the submission of an application for the issue of a Civil Liability Certificate under the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention)

This information leaflet provides information on how to complete the application form for the issue of a Civil Liability Certificate under the Bunkers Convention of 2001:
<http://www.bsh.de/de/Schifffahrt/Berufsschifffahrt/Oelhaftung/Oelhaftung2008.jsp>

Is the application form up to date?

Before filling in the form, please check whether you are using the latest, updated version of the form.

How to submit the application

The original of the application form has to be submitted in writing to Bundesamt für Seeschifffahrt und Hydrographie (BSH). Applications sent by E-mail or telefax will not be considered. If the entries in the application form and the documentation are neither in German nor in English, a translation into German by an officially recognised translator has to be included with the application.

BSH the appropriate authority?

Bundesamt für Seeschifffahrt und Hydrographie (BSH, Federal Maritime and Hydrographic Agency) issues Civil Liability Certificates to ships flying the German flag and to ships which, though listed in a German shipping register, temporarily fly the flag of a state that is not party to the Bunkers Convention.

Also ships operating in an area covered by the Ölschadengesetz (Oil Pollution Damage Act) which are neither listed in the shipping register of a State Party nor fly the flag of a State Party are issued with Civil Liability Certificates by the BSH, unless such ships have already been issued with a Civil Liability Certificate by another State Party.

Ships listed in the German shipping register which temporarily fly the flag of another State Party to the Bunkers Convention, in accordance with Art. 7, Law of the Flag Act, require a Civil Liability Certificate issued by the state of the ship's registry, in compliance with the Bunkers Convention and Ölschadengesetz (Oil Pollution Damage Act).

In this connection, the General Assembly of the International Maritime Organization (IMO), in December 2009, aware of differences of opinion at the international level concerning states' responsibility for issuing Civil Liability Certificates to bareboat registered vessels, adopted IMO Resolution A.1028(26) – Issuing of Bunker Certificates to Bareboat-Registered Vessels – for practical reasons. On this basis, the Federal Ministry of Transport, Building and Urban Development recommends that applications for the issue of Civil Liability Certificates under the Bunkers Convention should be submitted to the appropriate Flag State authority, provided that the Flag State is a State Party to the Bunkers Convention. If a shipping company submits an application for the issue of a Civil Liability Certificate to the BSH, it will be issued with the certificate under the provisions of Art. 7, para. 2, Bunkers Convention, in connection with Art. 2, Ölschadengesetz (Oil Pollution Damage Act), provided that also the substantive requirements are met.

According to the IMO Resolution, the States Parties should not request more than one Civil Liability Certificate for a particular vessel and, under Art. 7, para. 9, Bunkers Convention, Civil Liability Certificates issued by another State Party should be accepted.

Initial or renewal application?

Please tick as appropriate on the form whether it is an initial or renewal application.

Fees

Initial issue EUR 125

Renewal certificate EUR 85

Replacement certificate EUR 25

Explanations:

"for the ship"	Please enter the ship's current name. This name is also used by the guarantor (e.g. in the Blue Card)
Distinctive number or letters	Please enter the ship's distinctive number or letters. These distinctive numbers or letters are also used by the guarantor.
GT	Ship's gross tonnage according to the provisions of the International Convention on Tonnage Measurement of Ships (London 1969)
SSR no.	Ships flying the German flag and ships temporarily registered abroad in accordance with Art. 4, Law of the Flag Act, are listed in the shipping register of the appropriate local court and have a shipping register number (SSR no.). The number has to be indicated because, upon completion of the application procedure, the issue of a Civil Liability Certificate by the BSH has to be notified to the local court for every ship that is listed in the shipping register.
IMO Ship Identification Number	This 7-digit number is allocated once and is retained also, e.g., after a change in ownership, or renaming or conversion of a vessel. It is the only unique identification feature of a vessel.
Applicant	The application has to be submitted by the ship's registered owner, irrespective of whether the owner's principal place of business is in Germany or abroad. The registered owner is considered to be the person(s) in whose name(s) the ship is listed in the shipping register or, if there is no entry, the person(s) owning the ship. The address of the registered owner's principal place of business has to be indicated. The registered owner may authorise a proxy to submit applications on his behalf. In such cases, a power of attorney has to be included with the application.
Authorisation to submit applications (power of attorney)	The original or a certified copy of the authorisation document has to be included with the application. The document authorising a person to submit applications may also be in English (power of attorney - PoA). Authorisation to submit applications should not be confused with the authorisation to receive documents. A document form is available at http://www.bsh.de/de/Antraege/Oelhaftung/Antragsvollmacht.pdf
Person authorised to receive documents	If the application submitted concerns a ship which, at the time of filing the application, is not entitled to fly the German flag, an authorisation to receive documents is required. This also applies, inter alia, to ships temporarily flying a foreign flag. The original or a certified copy of the authorisation document, in German or in English language, has to be included with the

	<p>application. The person authorised to receive documents must be a natural person. A document form is available at http://www.bsh.de/de/Schifffahrt/Berufsschifffahrt/Oelhaftung/ZustVollCLC.doc.</p>
Type and duration of security	<p>Security may be provided either by maintaining insurance (normal case) or by providing other financial security. The insurer in most cases is a P&I Club. The insurance period is indicated in the insurance policy. If insurance cover is provided by a P&I Club, the end of the insurance period is identical with the entry in the "Blue Card". Its validity normally ends on 20 February of any year.</p>
Insurer or guarantor	<p>Name and address of the insurer or guarantor must be indicated in the insurance policy or, in the case of a P&I Club, in the „Blue Card“. In the application procedure, the BSH will only accept insurance documents issued by insurers that are subject to supervision by Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin), which are members of the International Group of P&I Clubs, or in respect of which the BSH has received confirmation of the insurer's solvency from the insurance supervisory authority of the state where the insurer is domiciled.</p>
Confirmation by the guarantor	<p>The guarantor's statement that</p> <p><i>the security cover is in compliance with the provisions of Article 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, and that an early termination or change of the security cover leading to non-compliance with the requirements will not become effective vis-à-vis third parties before three months have elapsed from the date on which notice of its termination or change has been given to Bundesamt für Seeschifffahrt und Hydrographie</i></p> <p>must be included either in the insurance policy itself (e.g. Blue Card) or in the certificate attesting that other financial security is in force.</p>

Blue Card	The Blue Card according to the Bunkers Convention is issued by an insurer to prove that insurance cover exists for the registered owner which covers 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 paper version of the Blue Card has to be presented. Electronic transmission of a copy of the Blue Card will not be acceptable.
Documentation of ship's tonnage	Documentation of the ship's tonnage has to be provided by submitting a copy of the International Tonnage Certificate according to the International Convention on Tonnage Measurement of Ships, 1969.
Signature	The application has to be signed. An unsigned application will not be accepted. The application can only be signed by the ship's registered owner or by the person authorised to submit applications.

List of documents to be enclosed with the application:

Original or certified copy of the authorisation to submit applications, as required	<input type="checkbox"/>
For vessels not flying the German flag: original or certified copy of an authorisation to receive documents	<input type="checkbox"/>
International Tonnage Certificate	<input type="checkbox"/>
Certificate attesting that insurance or other financial security is in place - normally a paper copy of the Blue Card	<input type="checkbox"/>
Certified translation if the application submitted or the statement of the guarantor is not in German or English	<input type="checkbox"/>