



Direção-Geral de Recursos Naturais,  
Segurança e Serviços Marítimos

Direção de Serviços de Administração Marítima

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<b>Subject:</b>	<b>International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 - BUNKER Convention - Issuing of certificates</b>
<b>To:</b>	Owners, Shipowners, Companies, Operators, Agents, Recognised Organisations and Masters of Portuguese flagged ships

***DISCLAIMER** - This document is for information only and is not intended to interpret or replace the legal referenced documents published by official sources for which DGRM is not accountable for any inaccuracies produced in the transcription of the original within this format.*

***References:** Notice no. 7/2016, of 6 April, making public that the Portuguese Republic has made the deposit within the IMO<sup>1</sup> on 21 July 2015, its instrument of ratification of the International convention on Civil Liability for Bunker Oil Pollution Damage, Bunker Convention, adopted in London, on 23 March 2001. Decree-Law no. 35/2015, of 12 June, ratifying the Bunker Convention. Assembly Resolution no. 62/2015, of 12 June, approving Bunker Convention.*

## 1. PURPOSE

With this Circular the Portuguese Maritime Administration (DGRM) intends to provide the guidelines to be followed in order to obtain the Certificate of insurance or other financial security in respect of civil liability for bunker oil pollution damage, hereinafter “Bunker Certificate” (issued under article 7 of Bunker Convention), to be issued by Direção-Geral de

<sup>1</sup> IMO - The International Maritime Organization with headquarters in London.

Recursos Naturais, Segurança e Serviços Marítimos (DGRM), as the Portuguese Maritime Administration.

## 2. SCOPE

2.1 The Bunker Convention shall apply exclusively to pollution damage caused:

2.1.1 In the territory, including the territorial sea, of a State Party;

2.1.2 In the exclusive economic zone of a State Party, established in accordance with international law, or, if a State Party has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured; and

2.2 To preventive measures, wherever taken, to prevent or minimise such damages.

## 3. COMPULSORY INSURANCE AND RESPONSIBILITY OF THE SHIPOWNER

3.1 Portugal has ratified the Bunker Convention, with its entry into force for the Portuguese Republic on 21 October 2015. From this moment on, any registered owner<sup>2</sup> of Portuguese flagged ships having a gross tonnage greater than 1000 shall be required to maintain insurance or other financial security, such as a guarantee of a bank or similar financial institution, to cover its liability for pollution damage in an amount equal to the limits of liability under the applicable national or international limitation regime.

In any case whatsoever these amounts shall exceed the amount calculated in accordance with the Convention on Limitation of Liability for Maritime Claims, 1976, as amended.

3.2 The Shipowner<sup>3</sup> at the time of the incident<sup>4</sup> shall be liable for the pollution damage caused by any bunker oil on board or originating from the ship, or, if the incident consists of a

<sup>2</sup> Registered owner - the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. In the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "registered owner" shall mean such company.

<sup>3</sup> Shipowner - the owner, including the registered owner, bareboat charterer, manager and operator of the ship.

<sup>4</sup> Incident - any occurrence or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage.

series of occurrences having the same origin at the time of the first of such occurrences, except:

3.2.1 Where more than one person is liable for the pollution damage, their liability shall be joint and several.

3.2.2 The damage resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or

3.3.3 The damage was wholly caused by an act or omission done with the intent to cause damage by a third party; or

3.3.4 The damage was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

#### 4. CERTIFICATION

4.1 DGRM shall issue, for each Portuguese flagged ship to which the Bunker Convention applies, a Certificate valid for a maximum period of twelve months, under article 7 of the Convention after having been demonstrated that the registered owner holds an insurance or other financial guarantee, which may be:

4.1.1 A “Blue Card” usually issued by a P&I Club; or

4.1.2 A Certificate of Insurance; or

4.1.3 A Certificate of Financial Guarantee

4.2 At request of the interested, DGRM may issue a Bunker Certificate to a ship registered in a State which is not Party to the Convention, provided the requirements of 4.1 are complied with.

4.3 The application for BUNKER Certificate issuance must be requested to DGRM. The [Application Form](#) and the [form](#) presented in Annex 1, which may be downloaded from DGRM’s official website, have to be filled in and sent to [dsam.requerimentos@dgrm.mm.gov.pt](mailto:dsam.requerimentos@dgrm.mm.gov.pt), together with the document(s) referred to in 4.1. As an example, Annex 1 presents a Bunker Certificate already filled in. The fields in grey have to be filled by the applicants with the information contained in any document referred in 4.1.1 to 4.1.3.

## 5. FEES

There is a specific fee to the service mentioned in 4. Both national legislation and the [current rates](#) may also be downloaded from DGRM's official website.

This circular supersedes Circular N.º 17 Rev.1, of 18/11/2016.

Lisbon, 3 of March 2017

The Director of the Maritime Administration Services Directorate

**For further information please contact:**

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*NOTICE: up to the date of publication of this circular all contacts are considered correct.*

## ANNEX 1

REPÚBLICA  
PORTUGUESA  
THE PORTUGUESE REPUBLIC**CERTIFICADO DE SEGURO OU OUTRA GARANTIA FINANCEIRA PARA  
COBRIR A RESPONSABILIDADE CIVIL PELOS PREJUÍZOS CAUSADOS  
PELA POLUIÇÃO POR COMBUSTÍVEL DE BANCAS**  
*CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF  
CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE*

Emitido em conformidade com o disposto no artigo 7º da

**Convenção Internacional sobre a Responsabilidade Civil pelos Prejuízos causados pela Poluição por  
Combustível de Bancas, 2001, sob a autoridade do Governo da República Portuguesa pela  
DIREÇÃO-GERAL DE RECURSOS NATURAIS, SEGURANÇA E SERVIÇOS MARÍTIMOS***Issued in accordance with the provisions of article 7 of the  
International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, under the authority of the Government of the  
Portuguese Republic by*

DIREÇÃO-GERAL DE RECURSOS NATURAIS, SEGURANÇA E SERVIÇOS MARÍTIMOS

NOME DO NAVIO <i>Name of the ship</i>	DISTINTIVO EM NÚMERO OU LETRAS <i>Distinctive number or letters</i>	NÚMERO OMI DE IDENTIFICAÇÃO DO NAVIO <i>IMO ship identification number</i>	PORTO DE REGISTO <i>Port of registry</i>	NOME E ENDEREÇO COMPLETO DO ESTABELECIMENTO PRINCIPAL DO PROPRIETÁRIO REGISTRADO <i>Name and full address of the principal place of business of the registered owner</i>
TAGUS	CRIF	9100001	OLISSIPO	Carranca Freights Ltd. Birds & Fish Ave. 3800 GAFANHA DA NAZARÉ

Certifica-se por este meio que o navio acima indicado está coberto por uma apólice de seguro ou outra garantia financeira que cumprem o disposto no artigo 7.º da Convenção Internacional sobre a Responsabilidade Civil pelos Prejuízos causados pela Poluição por Combustível de Bancas, 2001.

*This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of article 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001.*

Tipo de garantia **P&I Cover ou Bunker Blue Card Certificate: 271050 ou P&I INSURANCE**  
*Type of security*Duração da garantia **01/01/2017 NOON GMT – 01/01/2018 NOON GMT**  
*Duration of security*Nome e endereço do(s) segurador(es) e/ou garante(s):  
*Name and address of the insurer(s) and/or guarantor(s):*Nome **The West of England Ship Owners Mutual Insurance Association ou The Britannia Ship Steam Insurance**  
*Name Association*Endereço **Majestic House, 75 King Albert Road, London (UK)**  
*Address*O presente certificado é válido até – **to be filed in by the Administration**  
This certificate is valid untilEmitido em: \_\_\_\_\_ Data da emissão:  
*Issued at: \_\_\_\_\_ Date of issue:*\_\_\_\_\_  
(Assinatura da pessoa devidamente autorizada para emitir o certificado)  
*(Signature of the duly authorized official issuing the document)*\_\_\_\_\_  
(Selo ou carimbo da Autoridade que emite o certificado, conforme apropriado)  
*(Seal or stamp of the issuing authority, as appropriate)*