



Antigua and Barbuda

Maritime Administration

Miscellaneous Circular
No. 2021-004
31 March 2021

SUBJECT: Evidence of Financial Liability Cover under Various Conventions

REFERENCE:

- a) *Maritime Labour Convention 2006, as amended (MLC)*
- b) *Nairobi International Convention on the Removal of Wrecks, 2007*
- c) *Directors Directive 01-2015 Removal of Wrecks Directive 2015*
- d) [IMO Resolution A. 1028\(26\)](#) *Issue of Bunkers certificates to bareboat-registered vessels*
- e) [IMO Circular letter No. 3145](#) *Implementation of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001*
- f) *International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001*
- g) *International Convention on Civil Liability for Oil Pollution Damage (CLC) 1992*
- h) [IMO Resolution A.899\(21\)](#) *Acceptance of CLC insurance certificates*
- i) *IMO Circular letters 2732 CLC insurance certificates*
- j) *IMO Circular 3464 Implementation of the 1992 Civil Liability Convention, the 2001 Bunkers Convention, the 2007 Nairobi WRC and the 2010 HNS Convention*
- k) *ILO Circular 2016-001 MLC 2006 Guidance*

TO: Ship-owners, operators, masters and officers of Antigua and Barbuda flagged ships, and recognized organizations

1. PURPOSE

This Circular provides information to all those involved with the necessary information and ADOMS' position, with respect to its implementation of the:

1. Nairobi International Convention on the Removal of Wrecks, 2007
2. International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001
3. International Convention on Civil Liability for Oil Pollution Damage (CLC) 1992
4. Maritime Labour Convention 2006 Financial Security Requirements

2. APPLICATION

This Circular applies to all Antigua and Barbuda ships of 300 Gross Tonnage (GT) and above and any ship carrying bulk cargo of more than 2,000 tons of persistent hydrocarbon mineral oil. It consolidates and supersedes Information Notices 2015-002, 2015-008, 2016-005, and Circulars 2016-002, 2015-001, 2013-002, and 2014-005.

3. BACKGROUND

The Nairobi International Convention on the Removal of Wrecks, 2007

The Convention entered into force on 14th April 2015. Antigua and Barbuda acceded to the Convention on 9th January 2015.

It applies to wrecks located within 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, 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. The requirement for compulsory insurance or other financial security applies to all Antigua and Barbuda ships of 300 Gross Tonnage (GT) and above.

Antigua and Barbuda has extended the application of this Convention to wrecks located within its territory, including its territorial sea.

It introduces uniform international rules aimed at ensuring the prompt and effective removal of wrecks.

Under the Convention the registered owner is financially liable for the costs of locating, marking, and removing the wreck, unless the registered owner proves that the maritime casualty that caused the wreck:

- Resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable, and irresistible character.
- Was wholly caused by an act or omission done with intent to cause damage by a third party; or
- 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.

It requires the registered owner to take out insurance or provide other financial security to cover the costs of wreck removal. It will also provide States with a right of direct action against insurers.

Directive 01-2015 has been issued on this subject and related regulations made under the Antigua and Barbuda Merchant Shipping Act, 2006 (as amended) will be updated in due course.

The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

The Convention entered into force on the 21st of November 2008. Antigua and Barbuda is a party to the Convention.

It applies to pollution damage caused in the territory, including the territorial sea, and in the exclusive economic zones of State Parties and measures taken to prevent or minimize damage caused by 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 on board ships having a gross tonnage (GT) greater than 1000. It therefore applies to all Antigua and Barbuda ships of more than 1000 GT.

It was adopted to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil from a ship's bunker.

Under the Convention the shipowner is liable to pay for pollution damage caused in the territory of a State Party and is required to carry adequate insurance.

The International Convention on Civil Liability for Oil Pollution Damage (CLC), 1992

The Convention was ratified by Antigua and Barbuda on 14th June 2001 and is enforced under Chapter 2 of Part VII of the Antigua and Barbuda Merchant Shipping Act 2006.

It was adopted to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil from ships.

It applies to pollution damage caused in the territory, including the territorial sea, and in exclusive economic zones of State Parties and measures taken to prevent or minimize damage caused by any persistent hydrocarbon mineral oil being carried as cargo and applies to any ship carrying in bulk cargo of more than 2,000 tons of persistent hydrocarbon mineral oil.

Under the Convention the shipowner is liable to pay for pollution damage caused in the territory of a State Party and is required to carry adequate insurance.

Maritime Labour Convention 2006

The 2014 amendments to the Maritime Labour Convention (2006) (MLC) entered into force on 18th January 2017 with the most significant changes being made to Standard A2.5.2 – financial security in the event of abandonment of a seafarer and Standard A4.2 – financial security in case of a contractual claim which relates to death or long-term disability of seafarers due to an occupational injury, illness or hazard.

It is anticipated that in many cases the certificates of insurance or other documentary evidence of financial security will initially be effective from 18th January 2017 to 20th February 2018, providing the owner has renewed with the same club. Thereafter certificates will generally be issued on a yearly basis from 20th February to 20th February.

Antigua and Barbuda is in the process of updating its legislation with Directive 001-2017 having been issued as an interim measure until the schedule to the Merchant Shipping (Maritime Labour Convention, 2006) Regulations, 2012 Statutory Instrument 2012, No. 15 is updated.

Declaration of Maritime Labour Compliance (DMLC)

- Any DMLC Part I issued prior to the coming into force of this requirement may remain valid until the next MLC certification renewal inspection. Those issued after this date will reflect the new requirements.
- Shipowners are expected to have updated their DMLC Part II initially possibly by way of an addendum, to reflect the new requirements and this will be acknowledged in the inspection report produced at the next attendance of the RO for MLC inspection as will any other consequent changes to MLC documentation, manuals etc.
- Should any other significant changes that directly impact seafarer living and working conditions on board need to be made to a DMLC Part II before the scheduled renewal of MLC certification, then the opportunity should be taken to include the financial liability changes and also to apply for a new DMLC Part I with ADOMS prior to the attendance of the RO.
- In any case, it will be necessary to ensure that the DMLC Parts I and II include the updated MLC related paragraphs at the next MLC certification renewal inspection.

4. OBLIGATIONS AND RESPONSIBILITIES

1. Compulsory Insurance and certification

1. Evidence of insurance must be carried by the ship in the form of a certificate issued by ADOMS and in the format specified in the Convention.
2. To issue a certificate of insurance ADOMS needs to receive evidence of the insurance that has been taken out. Typically, this evidence is in the form of a "Blue Card". ADOMS is also required to assess the ability of any P&I Club offering such insurance and to only issue certificates when the evidence of insurance (Blue Card) is issued by a P&I Club which has been accepted by ADOMS.
3. Currently P&I Clubs which are members of the International Group of P&I Clubs are all accepted as suitable and therefore a "Blue Card" confirming the policy of insurance and issued by one of the International Group of P&I Clubs can be accepted as evidence. Annex 1 to these circulars list the current members of the International Group of P&I Clubs.
4. As well as the members of the International Group of P&I Clubs, a number of other P&I Clubs have been assessed and accepted by ADOMS as suitable for the provision of insurance in respect of liability for the removal of wrecks and the issue of "Blue Cards" as evidence of that insurance. The current list of non-International Group P&I Clubs is at Annex 2 to this Circular.

2. Submission of application for issuance of a certificate of insurance or other financial security

1. A copy of a suitable form is available here:
[Application for the issue of a certificate of insurance](#)
2. The application form that can be used for multiple applications and for all types of civil liability cover requiring Flag State certification.
3. The form also incorporates a declaration regarding MLC financial liability cover compliance. There is no need for flag States to issue additional certification.
4. However, to maintain an appropriate level of oversight, ADOMS expects that when ship operators apply for Civil Liability Cover that they also state the name of the providers of their financial security coverage under the MLC. Thus, contact can easily be made should any queries arise during inspections or in the event of related incidents.
5. It will not be required to forward copies of MLC financial security certificates to the Administration.

6. Applications are to be signed and submitted either by the ship owner, by the legal representative of the ship owner, by an empowered officer of the ship owning company, by an empowered officer of the ship management company, by the bareboat charterer or by the legal representative of the bareboat charterer.
7. In every case the application should be accompanied by evidence of the actual insurance in the form of the "Blue Card" issued by an authorized P&I Club
8. Certificates of insurance or other financial security are issued by the ADOMS office in Oldenburg for ships registered through ADOMS Oldenburg. And applications should be submitted to:

ADOMS (Oldenburg)
Am Patentbusch 4
D-26125, Oldenburg
Germany

Tel: +49 441 93959-0
Fax: +49 441 93959-29
E-mail: info@antiguamarine.com

9. Certificates of insurance or other financial security for ships, registered through the St. John's office are issued from St. John's and applications should be submitted to:

ADOMS (St. John's)
PO Box 1394
St. John's
Antigua
West Indies

Tel: +1 268 462 1273
Fax: +1 268 462 4358
E-mail: registry@abregistry.ag

10. Owners, managers, and ship's senior officers should note that carriage of a certificate of insurance or other financial security is a mandatory requirement and failure to produce them can result in detention by Port State Control Officers.

3. Requests for authorization by P&I Clubs

1. Any P&I Club wishing to be accepted for the issuance of "Blue Cards" to Antigua and Barbuda ships should apply in writing to ADOMS (St. John's) for authorization. The application should contain at least:
 1. Adequate documentation on the company's standing and hence solvency. Adequate documentation could be in the form of audited financial statements from the past three years duly authenticated and signed by the auditor.

2. Adequate documentation on approval by the relevant authority that the company is eligible to carry out insurance business in the country of the authority.
 3. Adequate documentation of reinsurance coverage on claims met by the company for liability incurred.
 4. A guarantee by the company and its parent company, if one exists, that it will cover liability incurred and up to the limits of liability according to the International Convention on Limitation of Liability for Maritime Claims, 1976 (as amended);
 5. A statement to the effect that liability incurred due to an act of terrorism is covered.
 6. The rating that the insurance company and/or its reinsurers hold by an independent and internationally recognized rating agency.
 7. Information in respect of any other flag States which have accepted its insurance; and
 8. Information with respect to the method for ADOMS to verify validity of blue cards at any time.
2. ADOMS will assess each application on its merits and may require additional information in some cases.
 3. In any case where ADOMS is not satisfied as to the financial strength or other aspects of the applicant P&I Club it may reject the application.
 4. Certificates of insurance or other documentary evidence of financial security shall include the following information specified in the Maritime Labour Convention:
 1. name of the ship.
 2. port of registry of the ship.
 3. call sign of the ship.
 4. IMO number of the ship.
 5. name and address of the provider or providers of the financial security.
 6. contact details of the persons or entity responsible for handling seafarers' requests for relief.
 7. name of the shipowner.
 8. period of validity of the financial security; and
 9. an attestation from the financial security provider that the financial security meets the requirements of Standard A2.5.2. or A4.2. as appropriate.
 5. It should be noted that on these certificates the shipowner will normally be the entity that is insured and not necessarily the MLC shipowner named on other MLC documentation. Where the shipowner named on the financial security certificates and the MLC shipowner are different, the DMLC Part II must

demonstrate the linkage between them e.g., the name of the registered owner could be the insured person on the financial security certificates. Annex 3 contains a copy of a Model Receipt and Release Form which is accepted by ADOMS as referred to in MLC Guideline B4.2.2.

4. Fees

1. No fees are charged for the issuance of a certificate of insurance or other financial security as costs are absorbed by the overall charges for registry.

Issued by

Antigua and Barbuda
Department of Marine Services and Merchant Shipping
(ADOMS) St. John's

Annex 1

Members of the International Group of P&I Clubs

- American Steamship Owners Mutual Protection and Indemnity Association, Inc.
- Assuranceforeningen Skuld
- Gard P&I (Bermuda) Ltd.
- The Britannia Steam Ship Insurance Association Limited
- The Japan Ship Owners' Mutual Protection and Indemnity Association
- The London Steam-Ship Owners' Mutual Insurance Association Limited
- The North of England Protecting & Indemnity Association Limited
- The Shipowner's Mutual Protection & Indemnity Association (Luxembourg)
- The Standard Club Ltd.
- The Steamship Mutual Underwriting Association (Bermuda) Limited
- The Swedish Club
- United Kingdom Mutual Steam Ship Assurance Association (Bermuda) Limited
- The West of England Ship Owners Mutual Insurance Association (Luxembourg).

Annex 2

Additional P&I Clubs accredited by ADOMS

- Alandia P&I
- Allianz Hanseatic P&I
- British Marine Luxembourg S.A.
- British Steamship Management Limited
- East of England P&I Association Ltd
 - Argenta
 - Brit
 - Canopus
 - Flagstone
 - Talbot
 - Travelers
- EF Marine Group
 - EF Marine Pte. Ltd
 - EF Marine B.V.
- Great American Insurance Companies
 - Marketform
- Hanseatic P&I
 - Allianz
 - Gothaer
 - Kravag
 - Sovag
 - Victoria
- Hydor AS
- Ingosstrakh Insurance Company
- Korea P & I Club
- Lodestar Marine Limited
- Navigators P&I:
 - Navigators Group Inc.
 - Navigators Insurance Co.
 - Navigators Specialty Insurance Co.
- Noord Nederlandsche P&I
- Norwegian Hull Club
- RaetsMarine Insurance B.V.
- Royal & Sun Alliance Insurance plc
- Russian P&I
 - AlfaStrakhovanie plc
 - Avicos Insurance Co.
 - Megaruss-D Insurance Co.
 - Military Insurance Co.
 - Reso-Garantia Insurance Co.
 - Rosno Insurance Co.
 - Sogaz Insurance Co.
 - Transsib Re
 - UralSib Insurance Group
 - Rossia Insurance Co.
 - Yakor Insurance Co
 - Zurich Insurance Co. (Russia)

State Insurance Company UGORIA
Thomas Miller Specialty Underwriting Agency Limited
Tindall Riley Marine Limited trading as Carina Managers
Water Quality Insurance Syndicate

Annex 3

Model Receipt and Release Form referred to in MLC Guideline B4.2.2

Ship (name, port of registry and IMO number):

Incident (date and place):

Seafarer/legal heir and/or dependant:

Shipowner:

I, [Seafarer] [Seafarer's legal heir and/or dependant] * hereby acknowledge receipt of the sum of [currency and amount] in satisfaction of the Shipowner's obligation to pay contractual compensation for personal injury and/or death under the terms and conditions of [my] [the Seafarer's] * employment and I hereby release the Shipowner from their obligations under the said terms and conditions.

The payment is made without admission of liability of any claims and is accepted without prejudice to [my] [the Seafarer's legal heir and/or dependant's] * right to pursue any claim at law in respect of negligence, tort, breach of statutory duty or any other legal redress available and arising out of the above incident.

Dated:.....

Seafarer/legal heir and/or dependant:

Signed:

For acknowledgement:

Shipowner/Shipowner representative:

Signed:

Financial security provider:

Signed:

* Delete as appropriate