

ASSEMBLY
26th session
Agenda item 11

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Resolution A.1028(26)

**Adopted on 2 December 2009
(Agenda item 11)**

ISSUE OF BUNKERS CERTIFICATES TO BAREBOAT-REGISTERED VESSELS

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization regarding the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment,

RECALLING ALSO the adoption, by the 2001 International Conference on Liability and Compensation for Bunker Oil Pollution Damage, of the International Convention on Civil Liability for Bunker Oil Pollution Damage (hereinafter referred to as “the Convention”),

RECALLING FURTHER article 7 of the Convention, stipulating that the registered owner of a ship having a gross tonnage greater than 1,000 shall maintain insurance or other forms of financial security and obtain a State certificate (Bunkers certificate) issued by a State Party to the Convention attesting that such insurance or financial security is in place,

ACKNOWLEDGING that there have been differing interpretations on the matter of the issue of Bunkers certificates by States to ships registered in a bareboat registry,

DESIRING to remove ambiguity and assist present and future States Parties to the Convention to apply it in a uniform manner,

BEING CONSCIOUS of the need to provide certainty in the application of the Convention, thereby assisting shipowners, ship operators, ship managers and ship companies in avoiding unnecessary delays to, or detentions of, ships and the related administrative burdens,

HAVING CONSIDERED the recommendations made by the Legal Committee at its ninety-fifth and ninety-sixth sessions,

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1. RECOMMENDS that:

- .1 States Parties to the Convention should recognize that Bunkers certificates should be issued by the flag State if the flag State is party thereto;
- .2 States Parties should not request more than one Bunkers certificate from any ship, including ships bareboat-registered in a State Party, and should accept Bunkers certificates issued by such a State Party in accordance with article 7, paragraph 9, of the Convention;
- .3 States Parties should avoid taking action that could cause unnecessary bureaucracy; and
- .4 States Parties which allow ships to be registered as bareboat-chartered should cooperate with each other to find, in a spirit of understanding and cooperation, viable solutions to problems caused by differing interpretations regarding the issue of Bunkers certificates to ships registered in bareboat registries;

2. INVITES Governments to bring this resolution to the attention of masters of ships entitled to fly the flag of their States, shipowners, ship operators, ship managers, shipping companies and all other parties concerned, for information and action, as appropriate.
