



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 03/2010

25 January 2010

TEN 5.13.09
TEN 4.28.03.31
TEN 12.3.02.26

To all Owners, Managers
and Representatives of Ships
under the Cyprus Flag

Subject: Issuing of Bunkers Certificates to Bareboat Registered Ships: Assembly Resolution 1028(26)

Further to the above matter and to my Circulars No. 13/2008, No. 18/2008, No. 06/2009 and No. 08/2009 you are hereby informed as follows:

1. The Assembly of the International Maritime Organization, adopted during its 26th session held at the headquarters of the Organization in November 2009, Resolution A.1028 (26) on the Issuing of Bunkers Certificates to Bareboat Registered Ships.
2. In adopting the recommendations of the Legal Committee of the IMO made at its 95th and 96th sessions, Resolution A. 1028(26) inter alia, states in its preambular paragraphs, that it purports to:
 - (a) remove ambiguity and assist present and future States Parties to the Convention to apply it in a uniform manner and
 - (b) 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 relevant administrative burdens.

In so doing, Resolution A. 1028(26) recommends that “all States Parties to the Convention recognize that Bunkers certificates **should be issued** by the flag State if the flag State is party thereto”.

3. Said Assembly Resolution as well as the outcome of the discussions that took place during the deliberations of the aforementioned Legal Committee sessions, reaffirm this Department’s position on the matter and are fully aligned with our relevant legislation, Circulars and procedure according to which, ships registered with the Cyprus flag under a bareboat charter (i.e. parallel in ships) should obtain their Bunkers Certificate from our Department.

4. Once the final (official text) of Resolution A. 1028(26) is made available by the IMO Secretariat, it shall be posted on our website (in the “*Certification under the Bunkers Convention*” link, bottom right). For the time being, attached you may find the draft text put before and adopted by the Assembly.

The Owners, Managers and Representatives of Ships under the Cyprus Flag are advised to abide by this Circular, my preceding Circulars on the matter and IMO Assembly Resolution 1028(26).

Serghios S. Serghiou
Director
Department of Merchant Shipping

Cc: -Permanent Secretary, Ministry of Communications and Works
- Maritime Offices of the Department of Merchant Shipping abroad
- Permanent Secretary, Ministry of Foreign Affairs
- Diplomatic Missions and Honorary Consular Officers of the Republic
- General Manager, Cyprus Ports Authority
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Cyprus Shipping Association
- Cyprus Bar Association

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ANNEX 1

DRAFT ASSEMBLY RESOLUTION

**ISSUING 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 a 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 issuance 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 relevant administrative burdens,

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

1. RECOMMENDS that:

- .1 all States Parties to the Convention recognize that Bunkers certificates should be issued by the flag State if the flag State is party thereto;
- .2 all 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 co-operate with each other to find, in a spirit of understanding and co-operation, viable solutions to problems caused by differing interpretations regarding the issuance 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.
