

APPLICATION OF THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE, 2001

CHAPTER 1

GENERAL PROVISIONS

1. The provisions of the International Convention on Civil Liability for Bunker Oil Pollution Damage done in London on 23 March 2001 (Dz. U. of 2008, No. 148, item 939), referred hereinafter to as "Bunker Convention", along with the amendments applicable as of the date of its entry into force in the Republic of Poland and made public as appropriate, shall apply to the liability for pollution damage caused by any bunker oil on board or originating from the ship.

2. Terms used in the regulations:

"Ship", "Person", "Shipowner", "Registered owner", "Bunker oil", "Preventive measures", "Incident", "Pollution damage", "State of the ship's registry", "Gross tonnage" shall have the meaning as defined in the Bunker Convention.

3. The provisions referred to in Point 1 of this Chapter shall also apply to ships which are neither registered in any State Party to the Bunker Convention nor fly the flag of any of these states if:

- a) pollution damage was caused in the territory of the Republic of Poland or in the exclusive economic zone of the Republic of Poland;
- b) preventive measures to prevent or minimize such damage were taken.

4. The owner of a ship of Polish nationality having a gross tonnage greater than 1,000 shall hold financial security to cover the liability for pollution damage, attested by an appropriate certificate.

5. The certificate referred to in Point 4 of this Chapter shall be issued by the Director of a Maritime Office.

6. The ship referred to in Point 4 of this Chapter shall not be allowed to operate, unless it carries a certificate attesting financial security covering liability for pollution damage.

7. The certificate shall be carried on board the ship.

8. No ship of gross tonnage greater than 1,000 shall either enter or leave a Polish port or make use of transshipment facilities in the territory of the Republic of Poland unless it carries a certificate attesting financial security covering liability for pollution damage, issued or certified by a relevant national authority.

9. The Director of a Maritime Office may issue a certificate attesting financial security for civil liability for pollution damage with respect to a ship not registered in a State Party to the Bunker Convention provided the shipowner requested the issue of the certificate and proved he maintains sufficient financial security for civil liability for such damage.

CHAPTER 2

CERTIFICATE OF FINANCIAL SECURITY FOR CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE

1. This certificate shall attest that the owner of a ship holds financial security covering civil liability for bunker oil pollution damage in the form of insurance or other financial security within the limits laid down in the Bunker Convention along with the amendments made public as appropriate and applicable as of the date of its entry into force in the Republic of Poland.

2. The certificate shall be issued to the ships of Polish nationality, and in the case provided for in Point 9 of Chapter I, to ships of other nationalities as well.

3. The certificate application shall contain the following particulars:

- a) name of ship, distinctive number or letters and port of registry,
- b) name and principal place of business of the registered owner,
- c) IMO ship identification number,
- d) type and duration of security,
- e) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established,
- f) period of validity of the certificate which shall not be longer than the period of validity of the insurance or other security .

4. The application shall be accompanied by documents of insurance or other financial security covering liability or a certified true copy of one of these documents.

5. The certificate shall be in the form of the model set out in the annex to the Bunker Convention

and shall contain the following particulars:

(a) name of ship, distinctive number or letters and port of registry;

(b) name and principal place of business of the registered owner;

(c) IMO ship identification number;

(d) type and duration of security;

(e) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established;

(f) period of validity of the certificate which shall not be longer than the period of validity of the insurance or other security.

6. The certificate shall be issued in Polish and English language.

7. The model of the certificate is set out in the Annex to these Guidelines.

8. The Director of a Maritime Office shall forward the copy of issued or certified certificate for the ships specified in Point 9 of Chapter I to an appropriate authority of the State of the ship's registry.

9. The certificate shall be subject to certification, if it contains the particulars referred to in Point 5 of Chapter II and the document referred to in Point 4 of Chapter II is enclosed therewith.

10. An insurance or other financial security shall not satisfy the requirements if it can cease, for reasons other than the expiry of the period of validity of the insurance or security, before three months have elapsed from the date on which notice of its

termination is given to the Director of a Maritime Office, unless the certificate has been surrendered or a new certificate has been issued within the said period.