

Part I. LEGAL DOCUMENTS**THE MINISTRIES****THE MINISTRY OF TRANSPORT****Circular No. 46/2011/TT-BGTVT of June 30, 2011, on grant and withdrawal of certificates of insurance or financial security under the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage**

Pursuant to the Vietnam Maritime Code of June 14, 2005,

Pursuant to the Government's Decree No. 51/2008/ND-CP of April 22, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Transport;

Pursuant to the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage to which Vietnam is a contracting party;

The Minister of Transport provides the grant and withdrawal of certificates of insurance or financial security under the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage as follows:

Chapter I**GENERAL PROVISIONS****Article 1. Scope of regulation**

This Circular provides the grant of certificates of insurance or financial security of civil liability for bunker oil pollution damage under the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage (below referred to as the Bunker Convention 2001).

Article 2. Subjects of application

This Circular applies to Vietnamese and foreign organizations and individuals involved in the grant and withdrawal of certificates of insurance or financial security of civil liability for bunker oil pollution damage under the Bunker Convention 2001.

Chapter II**GRANT AND WITHDRAWAL OF CERTIFICATES OF INSURANCE OR FINANCIAL SECURITY OF CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE**

Article 3. Certificates of insurance or financial security of civil liability for bunker oil pollution damage

1. Certificates of insurance or financial security of civil liability for bunker oil pollution damage (below referred to as certificates) shall be granted by the national ship registry or regional ship registries (below referred to as ship registries) specified in Article 10 of this Circular to attest that insurance or other financial security is in force and complies with the requirements provided in Article 7 of the Bunker Convention 2001.

2. The validity duration of a certificate corresponds to the validity duration of the

insurance policy or financial security certificate granted to the ship.

3. A certificate shall be granted in 1 (one) original to the ship owner and 1 (one) copy to be kept at the ship registry.

Article 4. Ships eligible for certificates

1. Vietnamese ships with a gross tonnage of over 1,000 GT operating on international routes.

2. Vietnamese ships with a gross tonnage of over 1,000 GT operating on domestic routes. Foreign ships with a gross tonnage of over 1,000 GT may be granted certificates at ship owners' request.

Article 5. Conditions for obtaining certificates

The ships specified in Article 4 of this Circular have insurance policy or financial security of civil liability for bunker oil pollution damage under the Bunker Convention 2001.

Article 6. Certificate application dossiers

1. A certificate application dossier comprises:

a/ An application of the ship owner made according to the form provided in Appendix I to this Circular (*not printed herein*);

b/ The original insurance policy or financial security certificate in compliance with the Bunker Convention 2001. In case of reinsurance, the original certificate of the concerned reinsurer is required.

For an electronically issued insurance policy or financial security or reinsurance certificate of civil liability of the ship owner, the ship owner shall provide the address of the official

and lawful website of the issuing authority for examination;

c/ A copy of the ship registration certificate.

2. The dossier shall be submitted in 1 (one) set.

Article 7. Dossier submission mode

Ship owners shall submit dossiers directly or by post to ship registries.

Article 8. Order of dossier submission, receipt and processing

1. Order of dossier submission and receipt:

a/ Ship owners shall submit dossiers directly or by post to ship registries;

b/ Ship registries shall receive dossiers directly from ship owners or by post;

2. Dossier processing:

a/ In case of direct submission: The ship registry shall check the dossier under regulations, record it in the dossier book and issue a written appointment for result notification according to the time limit provided in Article 9 of this Circular;

b/ In case of submission by post: The ship registry shall check the dossier under regulations and record it in the dossier book with the date indicated in the postmark. The date of recording in the dossier book is the basis for determining the date of granting a certificate under regulations;

c/ For an invalid dossier: In case of direct submission by the ship owner, the ship registry shall guide the ship owner in completing the dossier under regulations. In case of submission by post, within 2 (two) working days after

receiving the dossier, the ship registry shall send to the ship owner a written request for supplementation and completion of the dossier;

d/ For an ineligible dossier under regulations, within 3 (three) working days after receiving a dossier, the ship registry shall issue a written reply clearly stating the reason.

Article 9. Time limit for certificate grant

1. Within 3 (three) working days after receiving a complete dossier under regulations, a ship registry shall grant a certificate made according to the form provided in Appendix II to this Circular (*not printed herein*).

2. A ship owner may receive the certificate directly at a ship registry or by post.

Article 10. Certificate granting agencies

Competent to grant certificates are the national ship registry and regional ship registries specifically as follows:

1. The national ship registry is the Vietnam Maritime Administration.

2. Regional ship registries include:

a/ Maritime Sub-Department in Hai Phong city;

b/ Maritime Sub-Department in Ho Chi Minh City;

c/ Maritime Administration of Da Nang.

Article 11. Certificate withdrawal

A granted certificate may be withdrawn when:

1. It is tampered with, modified, erased or misrepresented;

2. It is bought, sold, hired or borrowed;

3. The certificate application dossier contains

untruthful information or deliberately modified or tampered documents.

Article 12. Certificate fee

The certificate fee complies with the Ministry of Finance's regulations and shall be paid at a ship registry before receipt of the certificate.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 13. Responsibilities of the Vietnam Maritime Administration and concerned organizations and persons

1. The Vietnam Maritime Administration shall assume the prime responsibility for, and coordinate with concerned agencies in, organizing the implementation of this Circular.

2. Ship owners and concerned organizations and persons shall implement this Circular and the Bunker Convention 2001.

Article 14. Effect

This Circular takes effect on September 1, 2011.

Article 15. Organization of implementation

The Chief of the Office, the Chief Inspector and directors of departments of the Ministry, the director of the Vietnam Maritime Administration, directors of Maritime Sub-Departments, the director of the Maritime Administration of Da Nang, heads of concerned agencies and organizations and concerned persons shall implement this Circular.

Minister of Transport
HONGHIA DUNG