

International Convention on Civil Liability for Oil Pollution Damage as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular provides for the competence, order and procedures for the grant and revocation of the certificate of insurance or financial security for civil liability for oil pollution damage under the 1992 International Convention on Civil Liability for Oil Pollution Damage (below referred to as the 1992 CLC).

Article 2. Subjects of application

This Circular applies to Vietnamese and foreign organizations and individuals involved in the grant and revocation of the certificate of insurance or financial security for civil liability for oil pollution damage under the 1992 CLC.

Chapter II

PROCEDURES FOR GRANT AND
REVOCAION OF THE CERTIFICATE OF
INSURANCE OR FINANCIAL SECURITY
FOR CIVIL LIABILITY FOR OIL
POLLUTION DAMAGE

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

1. The certificate of insurance or financial security for civil liability for oil pollution damage (below referred to as the certificate) is granted by the national or regional seagoing ship registration agencies (below referred to as seagoing ship registries) specified in Article 10 of this Circular to attest that the insurance policy or other financial security for a seagoing ship is

THE MINISTRY OF TRANSPORT

Circular No. 12/2011/TT-BGTVT of March 30, 2011, providing for the grant and revocation of the certificate of insurance or financial security under the 1992 International Convention on Civil Liability for Oil Pollution Damage

Pursuant to the June 14, 2005 Vietnam Maritime Code;

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 1992 International Convention on Civil Liability for Oil Pollution Damage, to which Vietnam is a contracting party;

The Minister of Transport provides for the grant and revocation of the certificate of insurance or financial security under the 1992

in force in compliance with Article VII of the 1992 CLC.

2. The validity duration of a certificate granted to a seagoing ship corresponds to the period stated in the insurance policy or the financial security certificate of such ship.

3. The original certificate shall be granted to the ship owner while its copy shall be kept at the seagoing ship registry.

Article 4. Subjects to be granted a certificate

Vietnamese seagoing ships and seagoing ships under foreign flags carrying more than 2,000 tons of oil in bulk will be granted certificates.

Article 5. Conditions for the grant of a certificate

Seagoing ships defined in Article 4 of this Circular must obtain an insurance policy or other financial security for civil liability for oil pollution damage under the 1992 CLC Convention.

Article 6. Dossiers of application for a certificate

1. A dossier of application for a certificate 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 1992 CLC; in case the insurance policy is reinsured, the ship owner shall also submit the original certificate of reinsurance issued by the relevant reinsurer.

In case the insurance policy, certificate of financial security or certificate of reinsurance

for the ship owner's civil liability is issued electronically, the ship owner shall provide the official and lawful website address of the issuer for examination;

c/ A copy of the seagoing ship registration certificate.

2. The ship owner shall submit 1 dossier set.

Article 7. Methods of submitting dossiers

Ship owners may submit their dossiers directly or by post to seagoing ship registries.

Article 8. Sequence of receiving and handling dossiers

1. A ship owner shall submit the dossier directly or by post to a seagoing ship registry.

2. Responsibility of the seagoing ship registry:

a/ In case of direct submission: The seagoing ship registry shall receive and check the dossier according to regulations, make an entry in the incoming-mail book and give a written appointment to receive the reply within the time limit specified in Article 9 of this Circular;

b/ In case of submission by post: The seagoing ship registry shall receive and check the dossier according to regulations and record the date of dossier receipt indicated in the postmark in the incoming-mail book. The date of recording the dossier receipt in the incoming-mail book shall serve as the basis for determining the deadline for the grant of the certificate according to regulations;

c/ For invalid dossiers: In case the dossier is submitted directly, the seagoing ship registry shall guide the ship owner in completing the dossier according to regulations; in case the dossier is sent by post, within 2 working days after receiving the dossier, the seagoing ship

registry shall make a written reply, requesting the ship owner to supplement and complete the dossier;

d/ In case the dossier is unqualified as prescribed, within 3 working days after receiving the dossier, the seagoing ship registry shall make a written reply, clearly stating the reason.

Article 9. Time limit for the grant of a certificate

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

Article 10. Certificate-granting agencies

Agencies competent to grant certificates are national and regional seagoing ship registries, specifically as follows:

1. The national seagoing ship registry is the Vietnam Maritime Administration.
2. Regional seagoing ship registries, including:
 - a/ Maritime Administration of Hai Phong City;
 - b/ Maritime Administration of Ho Chi Minh City;
 - c/ Da Nang Port Authority.

Article 11. Revocation of a certificate

A certificate shall be revoked in any of the following cases:

1. The certificate holder forges, modifies or erases the certificate, leading to a change in its contents;
2. The certificate holder sells, buys, leases or borrows the certificate;

3. The certificate holder deliberately declares false information or modifies or forges papers included in the dossier of application for a certificate.

Article 12. Fee for grant of a certificate

The fee for grant of a certificate complies with the Ministry of Finance and is paid to seagoing ship registries before a certificate is handed over.

Chapter III

ORGANIZATION OF IMPLEMENTATION

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

1. The Vietnam Maritime Administration shall assume the prime responsibility for, and coordinate with concerned agencies in, implementing this Circular.
2. Ship owners and concerned organizations and individuals shall implement this Circular and the 1992 CLC.

Article 14. Effect

This Circular takes effect on June 1, 2011.

Article 15. Organization of implementation

The directors of the Office and the Inspectorate of the Ministry of Transport, directors of departments, the director of the Vietnam Maritime Administration, directors of regional maritime administrations, the director of Da Nang port authority, heads of concerned agencies and units and concerned individuals shall implement this Circular.-

Minister of Transport
HO NGHIA DUNG