

**Translation. Only the Danish document has legal validity.**

*Order no. 838 of 18 August 2008 issued by the Danish Maritime Authority*

## **Order on certificates of insurance or other financial security in respect of civil liability for bunker oil pollution damage**

In pursuance of section 186(4), (5) and (7), section 229a(3) and section 514a of the Danish Act on Safety at Sea, cf. consolidated Act no. 538 of 15 June 2004, as amended by Act no. 599 of 24 June 2005, and by authority of the Danish Minister of Economic and Business Affairs, the following provisions are laid down:

### *Danish ships' certificates of insurance or other financial security in respect of civil liability for bunk oil pollution damage*

**Section 1.** Applications for the issuance of certificates to Danish ships, including ships owned by Danish State institutions and used for commercial purposes, shall be sent to the Danish Maritime Authority. Applications may be electronic. The application shall be accompanied by a declaration from the insurer or the guarantor.

*Subsection 2.* It shall be evident from the declaration that the owner of the ship has taken out insurance or other financial security to cover his liability under the International Convention on Civil Liability for Bunker Oil Pollution Damage and within the limits of liability stipulated in section 175 of the Danish Merchant Shipping Act and that the insurer or guarantor confirms that the insurance or other financial security covers the liability mentioned and, in the case of other financial security, of what it consists.

*Subsection 3.* The declaration shall contain the following information:

- 1) Name of ship.
- 2) Distinctive number or letters.
- 3) IMO ship identification number.
- 4) Port of registry.
- 5) Name and full address of the principal place of business of the registered owner.
- 6) Name and full address of the principal place of business of the insurer or guarantor.
- 7) Validity of the insurance or other financial security.

*Subsection 4.* The Danish Maritime Authority may require documentation that the insurer has the right to carry out insurance business and has been approved by the insurance supervisory authority in the country where the company has its business address or principal place of business. In special cases, the Danish Maritime Authority may also require that it is also documented that the relevant company is solvent and capable of meeting its obligations. Similar requirements may be made on companies wanting to act as guarantors. The Danish Maritime Authority may require that applicants procure documentation to this effect and may reject to issue a certificate if the requirement is not met. The Danish Maritime Authority may also reject to issue a certificate if it gets possession of information making it plausible that there is a risk that the company cannot meet its obligations.

*Subsection 5.* In order for the insurance or other financial security to be approved, the insurer or guarantor shall also oblige himself to pay compensation to anyone who has a legitimate claim against the owner of the vessel for bunker oil pollution damage. The obligation to pay compensation shall apply for up to three months after the date when the Danish Maritime Authority is informed about the termination of the insurance or other financial security. This shall not apply to damages

occurring after the expiry of the period of validity stipulated in the certificate or if the certificate has, prior to this, been returned to the Danish Maritime Authority or if a new certificate has been issued.

*Subsection 6.* If the Danish Maritime Authority is satisfied that the insurance or other financial security is sufficient, a certificate shall be issued to the ship. The certificate shall be drawn up in accordance with the model shown in the annex.

*Subsection 7.* For the purposes of this Order, the owner shall mean the ship's registered owner, shipping company or bareboat charterer, manager or others operating the ship in the name of the owner.

*Foreign ships' certificates of insurance or other financial security  
in respect of civil liability for bunk oil pollution damage*

**Section 2.** For ships registered in a State Party to the International Convention on Civil Liability for Bunker Oil Pollution Damage, certificates issued by the competent authority in the relevant State shall be recognised. Such certificates shall be drawn up in accordance with the model shown in the annex.

**Section 3.** For ships registered in a State that is not a Party to the International Convention on Civil Liability for Bunker Oil Pollution Damage, certificates issued by a competent authority in a State Party to the Convention shall be recognised. Such certificates shall be drawn up in accordance with the model shown in the annex.

**Section 4.** For ships registered in a State that is not a Party to the International Convention on Civil Liability for Bunker Oil Pollution Damage and not holding valid certificate, cf. section 3, an application shall be forwarded to the Danish Maritime Authority for the issuance of a certificate when a particular ship wants to call at a Danish port or any other place of loading or unloading in Denmark or in the Danish continental shelf area or wants to operate permanently in Danish territorial waters after 20 November 2008. The application may be electronic and shall be accompanied by a declaration from the insurer or guarantor. Section 1(2)-(6) shall also apply.

*Subsection 2.* The application shall be sent and the payment made no later than 14 days before the ship calls at a Danish port or any other place of loading or unloading in Denmark or in the Danish continental shelf area or starts operating permanently in Danish territorial waters.

**Section 5.** Under special circumstances, certificates may be issued to ships registered in a State that is not a Party to the International Convention on Civil Liability for Bunker Oil Pollution Damage and not holding a valid certificate, cf. section 3, though they do not call at a Danish port or any other place of loading or unloading in Denmark or in the Danish continental shelf area or operates permanently in Danish territorial waters. The application shall be forwarded to the Danish Maritime Authority and shall be accompanied by a declaration from the insurer or the guarantor. Section 1(2)-(6) shall also apply.

### *Bareboat registered ships*

**Section 6.** For ships registered with Danish ownership, but bareboat registered on the registry of another State, the Danish Maritime Authority may issue a certificate in accordance with the requirements of section 1.

*Subsection 2.* If the ship is bareboat registered in a State that is a Party to the International Convention on Civil Liability for Bunker Oil Pollution Damage, certificates issued by the competent authority of the relevant State shall be recognised. The certificate shall be drawn up in accordance with the model shown in the annex.

*Subsection 3.* If the ship is bareboat registered in a State that is not a Party to the International Convention on Civil Liability for Bunker Oil Pollution Damage, certificates issued by a competent authority of a State Party to the Convention shall be recognised. The certificate shall be drawn up in accordance with the model shown in the annex.

**Section 7.** For ships registered with foreign ownership, but bareboat registered in Denmark, the Danish Maritime Authority may issue a certificate in accordance with the requirements of section 1.

*Subsection 2.* If the ship already holds a valid certificate, copies of the certificate shall be forwarded to the Danish Maritime Authority. Subsequently, the Danish Maritime Authority shall contact the issuing authority of the State in which the ownership of the ship is registered to request that the Danish Maritime Authority be informed of changes, if any, of the validity of the certificate.

### *Miscellaneous*

**Section 8.** A fee of DKK 1,300 shall be paid for the issuance of a certificate of valid insurance or other financial security. The payment may be made electronically.

**Section 9.** Certificates shall be issued for a specific period of time, however not longer than the validity of the insurance or other financial security. The certificate shall not be issued until the payment stipulated in section 8 has been recorded.

*Subsection 2.* Certificates issued in pursuance of section 4 shall be issued with a validity of no more than three months. For ships operating permanently in Danish territorial waters, the certificate may be issued with a longer period of validity, however not longer than the validity of the insurance or financial security.

**Section 10.** The Danish Maritime Authority shall forward a copy of the certificate issued to the ship to the ship's owner or anyone who has submitted the application for the issuance of a certificate on behalf of the owner and, in addition, in case of ships that are not Danish to the relevant State's ship registry.

*Subsection 2.* The owner of a ship holding a certificate issued by the Danish Maritime Authority shall be obliged to immediately return the certificate to the Danish Maritime Authority at the expiry of the insurance or other financial security as well as when the validity of the certificate expires.

*Subsection 3.* In case changes are made to the insurance or other financial security of importance to the continued validity of the certificate issued by the Danish Maritime Authority, the owner of the ship shall be obliged to immediately after having become aware of this inform the Danish Maritime Authority hereof.

**Section 11.** In case the Danish Maritime Authority becomes aware of changes to the insurance or other financial security of importance to the continued validity of the certificate, the Danish Maritime Authority may revoke the certificate depending on the circumstances.

**Section 12.** Police, customs or port authorities who find contraventions of this Order during the performance of their official duties shall immediately report such contraventions to the Danish Maritime Authority.

*Subsection 2.* At the arrival of the ship, the Danish Maritime Authority may check whether it holds the required certificate.

**Section 13.** Contraventions of section 10(2)-(3) shall be liable to punishment by fine.

*Subsection 2.* Legal entities shall be punishable under the provisions of chapter 5 of the Danish Criminal Code.

**Section 14.** Sections 1-11 of this Order shall enter into force on 20 August 2008, however certificates issued by the Danish Maritime Authority during the period from 20 August 2008 to 21 November 2008 shall not be valid until as of 21 November 2008.

*Section 2.* Sections 12-13 of this Order shall enter into force on 21 November 2008.

*Danish Maritime Authority, 18 August 2008*  
Birgit Sølling Olsen / Anne Skov Strüver

**ANNEX 1**  
**CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY**  
**IN RESPECT OF CIVIL LIABILITY FOR BUNKER OIL POLLUTION**  
**DAMAGE**

Issued in accordance with the provisions of article 7 of the  
International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

Name of ship	Distinctive number or letters	IMO ship Identification number	Port of registry	Name and full address of the principal place of business of the registered owner

This is to certify that there is in force in respect of the above-mentioned ship a policy of insurance or other financial security satisfying the requirements of article 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001.

Type of security \_\_\_\_\_

Duration of security \_\_\_\_\_

Name and address of the insurer(s) and/or guarantor(s)

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

This certificate is valid until \_\_\_\_\_

Issued or certified by the Government of the Kingdom of Denmark by the Danish Maritime Authority  
(Full designation of the State)

At \_\_\_\_\_  
(Place)

On \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature and title of issuing or certifying official)

\_\_\_\_\_  
The date formatting used on this certificate is: dd-mm-yyyy.