



सत्यमेव जयते

भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

“बिटा बिल्डिंग”, 9 वी मंजिल / “BETA BUILDING”, 9<sup>th</sup> FLOOR

आई-थिंक टेक्नो कैम्पस / I-THINK TECHNO CAMPUS

कांजुर गाँव रोड / KANJUR VILLAGE ROAD

कांजुर मार्ग (ईस्ट) / KANJUR MARG (EAST)

मुंबई - 400 042 / MUMBAI - 400 042

टेलीफोन: 022 - 25752040/1/2/3

फैक्स: 022 - 25752029 / 35

ई-मेल: [dgship-dgs@nic.in](mailto:dgship-dgs@nic.in)

वेब: [www.dgshipping.gov.in](http://www.dgshipping.gov.in)

Tele: 022 - 25752040/1/2/3

Fax: 022 - 25752029 / 35

E-mail: [dgship-dgs@nic.in](mailto:dgship-dgs@nic.in)

Web: [www.dgshipping.gov.in](http://www.dgshipping.gov.in)

F. No. 25-NT (1)/2014

Dated: 13.04.15

M.S. Notice No. 5 of 2015

Sub: Issue of certificate of insurance or other financial security in respect of oil pollution damage under provision of Article VII of the Protocol of 1992 to amend the International Convention on Civil Liability for oil pollution damage 1969 [CLC Prot 1992] – reg.

1. The Protocol of 1992 to amend the International Convention on Civil Liability for oil pollution damage 1969 [CLC Prot 1992] [hereinafter referred to as the ‘Convention’], was adopted, internationally, on the 27<sup>th</sup> November 1992. The Convention entered in to force on 30<sup>th</sup> May 1996. India deposited the instrument of accession on 15<sup>th</sup> November 1999 and the instrument came into force for India on 15<sup>th</sup> November 2000.
2. In accordance with paragraph (2) of Article VII of the Convention, a certificate attesting that insurance or other financial security [CIOFS] is in force in accordance with the provisions of the Convention shall be issued to each ship after the appropriate authority of the Contracting State has determined that the requirement of paragraph (1) of Article VII are complied with.
3. Paragraph (1) of Article VII of the Convention requires the owner of a ship registered in a Contracting State and carrying more than 2,000 tons of oil in bulk as cargo to maintain insurance or other financial security, up to the limits of liability prescribed in Article V, paragraph 1 of the Convention to cover liability for pollution damage under the Convention.
4. Merchant Shipping (Civil Liability for Oil Pollution Damage) Rules, 2008 has been notified on 27<sup>th</sup> March 2008. The said rules specify the procedure for issue of ‘CIOFS’ in respect of Indian Ships under the Civil Liability Convention [CLC]. The Principal Officers of Mercantile Marine Departments [MMDs] as Registrar of Indian ships have been issuing CIOFS to Indian Ships.

5. Queries have been raised regarding the insurance companies from which Indian ship owners can obtain insurance cover so as to be eligible to be issued with 'CIOFS' under Civil Liability Convention.
6. Noting the provision of the Convention including para (8) of Article VII which permits direct action against the insurer and in view of insurance companies being approved under the provisions of the Merchant Shipping (Regulation of Entry of Ships into Ports, Anchorages and Offshore Facilities) Rules, 2012 [PER, 2012], it has been decided that certificate of insurance (i.e. insurance blue cards) up to the limits specified in the Convention, issued by either of the following will lead to the issue of 'CIOFS' by the MMDs.
  - 6.1 Certificates of insurance (i.e. insurance blue cards), furnished as evidence of insurance issued by the International Group [IG] of P&I [Protection & Indemnity] Clubs.
  - 6.2 Certificates of insurance (i.e. insurance blue cards) furnished as evidence of insurance issued by 'insurance companies' as may be formally approved from time to time by the Govt. of India, and is valid under the provisions of the Merchant Shipping (Regulation of Entry of Ships into Ports, Anchorages and Offshore Facilities) Rules, 2012 [PER, 2012].
7. It is further brought to the attention of Indian ship-owners that in view of paragraph (8) of Article VII of the Convention, insurance is required to be obtained from 'insurance companies' and not from 'trade names' promoted by insurance companies for the purpose of issue of 'CIOFS'.
8. The list of the 'insurance companies' and 'trade names' promoted by insurance companies approved under the provisions of the 'PER, 2012' can be viewed on the official website of this office [[www.dgshipping.gov.in](http://www.dgshipping.gov.in)].
9. It is further clarified that the certificates of insurance furnished as evidence of insurance (i.e. the insurance blue card) in electronic format verifiable online, shall also be accepted for issue of the CIOFS under the Civil Liability Convention.
10. This is issued with the approval of the Competent Authority.



(Capt. K.P. Jayakumar)

Deputy Nautical Adviser to the Govt. of India