



Date: February, 21st 2020

CIRCULAR Ref.: 0035C/TG/02/20

Subject: “Guidance in connection with implementation of IMO instruments – Guidelines for accepting documentation from insurance companies, financial security providers and P&I Clubs adopted in respect of the Bunkers Convention, CLC, HNS Convention and Nairobi WRC certificates – Approval procedure for P&I Clubs and Insurance Providers”

To: Ship-owners / Operators, Representatives of Togo flagged vessels, Deputy Registrars, Insurance Companies, Financial Security Providers and P&I Clubs.

Scope: The purpose of this “Merchant Marine Circular” is to provide concrete guidance to all interested parties in relation to the procedure to be followed for accepting documentation from insurance companies, financial security providers and P&I Clubs in respect to the Bunkers Convention, to CLC, HNS Convention and Nairobi WRC certificates.

1. The procedure to be followed for accepting the concrete documentation provided by P&I Clubs, insurance companies and financial security providers is based upon IMO Circular Letter No. 3464, 02 July 2014, “Implementation of the 1992 Civil Liability Convention, the 2001 Bunkers Convention, the 2007 Nairobi WRC and the 2010 HNS Convention” with the attached in the annex, “Guidelines for accepting insurance companies, financial security providers and the International Group of Protection and Indemnity Associations (P & I Clubs), as approved by the Legal Committee at its 101st session”.
2. The purpose of the concrete guidelines, which are followed by the International Ship Registry of Togo, is to provide guidance for accepting Blue Cards or similar documentation from insurance companies to any of the following conventions (“the relevant conventions”): the International Convention on Civil Liability for Oil Pollution Damage, 1992, as amended (1992 Civil Liability Convention); the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (2001 Bunkers Convention); the Nairobi International Convention on the Removal of Wrecks, 2007 (2007 Nairobi WRC); or the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, as amended by the Protocol of 2010 to the Convention (the 2010 HNS Convention).
3. The International Ship Registry of Togo shall accept Blue Cards issued by a member of the International Group of P & I Associations (P & I Clubs) when it is possible to verify the Blue Card from the P & I Clubs website, consequently P&I Clubs within the International Group of P+I Clubs (<http://www.igpandi.org>) are automatically considered acceptable. *JA*



- When receiving a Blue Card or similar documentation from insurance companies, financial security providers and P & I Clubs outside the International Group, the International Ship Registry of Togo will verify the financial standing and solvency of such company in order to make sure that prompt and adequate compensation for the victims is available, in relation to all relevant Conventions.
- In accordance with par. 1 “Exchange of Information” of the Annex to IMO Circular Letter 3464, the International Ship Registry of Togo and in order to minimize administrative burden shall exchange information including with competent national authorities, on which P & I Clubs outside the International Group they have accepted in the process of issuing Certificates under the relevant conventions.
- In line with par. 2 “Criteria for acceptance” of the Annex to IMO Circular Letter 3464, the International Ship Registry of Togo for the purpose of accepting Blue Cards or similar documentation, including from P&I Clubs outside the International Group application, the procedure to be followed will be based upon the criteria listed under subpar. (I) to (VI) of par. 2 of the Annex to IMO Circular Letter 3464, including criteria related to adequate documentation on the company's financial standing and hence solvency, the rating that the insurance company and/or its reinsurers hold by an independent and internationally recognized rating agency, a statement of coverage of liability due to an act of terrorism, a guarantee and adequate documentation on reinsurance coverage on claims met by the company for liability incurred under the concrete Conventions.
- The Head Office of the International Ship Registry of Togo will be issuing on regular time intervals relevant Merchant Marine Circulars, as appropriate informing all interested parties on the list of approved P&I Clubs and other insurance providers for the issuance of Bunkers Convention, CLC, HNS Convention and Nairobi WRC certificates. To this respect the P&I Clubs and other insurance providers will be approved for a period of five (5) years, subject to a renewal.

