

EXPLANATION NOTES ON THE CERTIFICATION REGARDING THE ISSUING MADE IN THE PAST OF THE INSURANCE OR FINANCIAL GUARANTEE, FORESEEN BY ART 7 PAR 1 OF THE CONVENTION ON THE CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE (CALLED BUNKER OIL CONVENTION) MADE IN LONDON ON 23 MARCH 2001 AND BY ART VII PAR 1 OF THE CIVIL LIABILITY CONVENTION 1992 (CALLED CLC CONVENTION), AS INDICATED BY THE DECREE OF THE ITALIAN MINISTER OF THE ECONOMIC DEVELOPMENT DATED 20 DECEMBER 2012

Persons legitimized to submit certification requests are invited to read these notes before preparing it.

Unreadable or ambiguous information and/or incomplete requests forms will not be considered.

Electronic versions of the request form (Model A) and of the possible declarations (Model B - registered shipowner authorization, and Model C – declaration in substitution of affidavit of the requester) are available on the <http://bunkeroil.consap.it> web site.

The compilation of the request has to be done using the <http://bunkeroil.consap.it> web site. In order to use this site, requesters have to register themselves in advance. The site registration process can be performed completely *on line*. By using the credentials (*login* and *password*) obtained through the registration, requesters are able to prepare their requests, by filling in Model A, Model B or Model C if needed, and uploading electronic copies of all requested annexes.

**The request to submit to Consap has to be signed by the requester manually and then scanned and uploaded into the system, or signed electronically by using the requester's digital signature (electronic request).** Moreover, if the requester is not the shipowner, the shipowner's authorization given to the requester has to be signed by the shipowner manually - and then scanned and uploaded into the system - or by using the shipowner's digital signature (electronic authorization). In case of digital signature use, it has to be issued by an authorized Body. It is stressed that, following what has been stated by D.P.R. 68/2005 and by d.lgs. 7 March 2005, n. 82 (so called "Digital Administration Code"), modified by d.lgs. 4 April 2006, n. 159, Digital Signature issuing services can be provided exclusively by management bodies accredited by DigitPA, who publishes a corresponding list on its web site [www.digitpa.it](http://www.digitpa.it).

Once the on line request preparation has been completed, requests and corresponding annexes have to be sent to Consap directly *on line* (on-line submission).

## GUIDELINES TO REGISTER TO <http://bunkeroil.consap.it> WEB SITE

By pressing the *Register* button present on the *home page*, a page is shown through which it is possible to provide the requester's data (generalities, address, identification document, contact information and e-mail) and the requesting body data (name, registered and operational/administrative addresses). Once all mandatory data have been provided, the software system generates the requester's login and password and sends them to the provided e-mail address.

## GUIDELINES TO COMPILE A REQUEST

By accessing to the <http://bunkeroil.consap.it> home page and by using the credentials (*login* and *password*) received during the registration process, you can log into the system to access to your private home page, in which you can prepare one or more Bunker Oil and, optionally, CLC certification requests. Each request can regard one or more ships.

In order to create a new request, use the *Create* item in the *Requests* menu. In order to modify a request created in the past, select it from the request list by clicking on the request number.

Once you have selected your request of interest, it is possible:

- To compile Model A (certification request);
- To compile Model B (authorization), if the requester is not the shipowner or, as an alternative and when the requester is not the registered shipowner, Model C (declaration in substitution of affidavit);
- To upload electronic copies of documents to be annexed to the request;
- To upload the Model A, the Model B or C digitally signed, or electronic copies of manually signed Model A and Model B or C;
- To send electronically to Consap the request and all its annexes. This action is possible only if all mandatory data and mandatory annexes have been provided. Once the request has been sent to Consap, it is not possible to modify it anymore.

### Preparing Model A

In order to compile Model A, press the corresponding *Fill in* button. The system shows a form through which you can provide data regarding:

- The requester (physical or legal person);
- The registered shipowner (physical or legal person), to be compiled if different from the requester;
- The list of ships for which the Bunker Oil and, optionally, CLC certification is requested.

### Persons legitimized to request certifications

In addition to the registered shipowner, also the shipowner waiting for the registration, the operator, the bareboat charterer, the manager or the shipping agent (artt. 3 and 7 of the decree of the Ministry of Industrial Development dated 20 December 2012) can submit a certification request:

**Registered shipowner is considered** a subject identified as shipowner in the ship registry or a registered shipowner following art. 1, par. 4, of Bunker Oil Convention;

**Operator is considered** a subject who has the ship operator role in accordance with art. 265 and succ. of the Italian Navigation Code, or a ship operator following art. 1, par. 3, of Bunker Oil Convention;

**Bareboat charterer is considered** a subject who is party in a contract in accordance with art. 376 of the Italian Navigation Code, or a bareboat charter party following art. 1, par. 3, of Bunker Oil Convention;

**Shipping agent is considered** a subject who performs the activity disciplined by the Italian law dated 4 April 1977, n. 135, enrolled in the corresponding registry managed by the Chamber of Commerce, Industry, Trade and Agriculture and representing the shipowner, the operator, the bareboat charterer or the ship manager;

**Ship manager is considered** a subject who is party in a ship management contract in accordance with art. 1, par. 3, of Bunker Oil Convention.

If the certification request is submitted by a subject different from the registered shipowner, it is necessary to provide the shipowner's name and registered office address. In accordance with the Bunker Oil and CLC Conventions terms, registered shipowners are legally liable if their ships are not properly insured and certified. Indeed, the Certification will provide, in accordance with the Convention annex, the shipowner's name and registered office address, which have to be equal to those given by the Bunker Oil and CLC Blue Cards.

### Ship details

Each request can regard one or more ships.

In the request, **the ship name, the IMO number, the distinctive number (*letters o number*) and the port of registry** have to be equal to those given in the corresponding Bunker Oil Blue card.

**The ship flag State** identifies the ship registration State. Consap is enabled to issue the Certification for ships with an Italian flag and for ships registered in a State who is not party in the Bunker Oil and CLC Conventions.

It is important to provide the **IMO number** in the request; it is well known that this number is the unique and stable ship identification code, composed of three letters (International Maritime Organization acronym) and 7 digits, issued by the IMO for ships larger than 100 GT. The IMO number has to be provided in the request also in the case the ship is not registered in the International registry, specifying the value "0000000".

## Insurance or financial guarantee

Following the Bunker Oil and Conventions, the shipowner is obliged to subscribe an insurance policy or to acquire a financial guarantee to cover his/her pollution damage liabilities.

The guarantee proof has to be provided in the “Bunker Oil Blue Card” and the “CLC Blue Card” forms, which can be issued by an insurance company or by a financial institution.

The requester must indicate which kind of insurance or financial guarantee has been subscribed, providing also the guarantor’s name and registered office address: in the case of an insurance company, the address of the branch office who issued the “Bunker Oil Blue Card” and the “CLC Blue Card” should be provided, instead of the Headquarters address.

If the “Bunker Oil Blue Card” and, if it is the case, the “CLC Blue Card” have been issued in the context of a Protection & Indemnity (P&I) coverage by one of the thirteen Clubs members of the International Group of P&I Club, it is important to indicate the name of the Club who issued the guarantee.

The guarantee **validity period** cannot be longer than 12 months.

## Invoice and certificate shipment data

By pressing the *Manage invoice and shipment data* button, the system shows a form which allows to provide all the data needed to Consap to issue the invoice corresponding to the amount the requester has to pay, and all the data regarding the shipment mode and the address to be used by Consap to send the certificates to the requester. The issued invoice will be available to the requester in the web site, associated to the request. The invoice issuing will be notified to the requester by a proper email message. It has to be said that the requester has to print the received invoice on paper in order to register it properly.

Once the Model A has been filled in all its parts, it is possible to generate it in pdf format by clicking the *Download form in pdf format* button. This file can be:

- Printed, signed manually, scanned and uploaded into the system by using the *Upload signed electronic request* button, in the case you deem to send an electronic copy of the paper, manually signed request to Consap;
- Digitally signed, using your own digital signature, and uploading the resulting file (with .p7m extension) by using the *Upload signed electronic request* button, in the case you deem to send an electronic, digitally signed request to Consap.

## Annexes

You have to annex to the request the following:

- Electronic copy of the identification document of the requester who signs the certification request;
- Electronic copy of the “Bunker Oil Blue Card” (one for each ship to be certified), giving proof of the issuing made in the past of the insurance or financial guarantee for the ship

you are requesting the certification (normally in the form of a “Bunker Oil Blue Card” issued by P&I Clubs);

- In case you request also the CLC certification, electronic copy of the “CLC Blue Card” (one for each ship to be certified), giving proof of the issuing made in the past of the insurance or financial guarantee for the ship you are requesting the certification (normally in the form of a “CLC Blue Card” issued by P&I Clubs);
- Electronic copy of the proof of the payment of the certification cost, equal to € 100,00 plus VAT if due and shipping expenses for each certification to be issued;
- And electronic copies of further authorizations and declarations, if needed.

In particular, if the request is submitted by a legitimized subject who is not the registered shipowner, it is necessary to annex to the request (art. 3, c. 2 and art. 7, c. 2 of ministerial decree dated 20 December 2012):

- The shipowner’s authorization, in original, to request the issuing of the Certification (cfr Model B) with copy of the shipowner’s identification document. The web site allows you to fill in Model B (*Fill in Model B* button) and to generate a corresponding file (*Download model in pdf format* button). If you wish to send electronically the digitally signed request to Consap, the Model B too has to be digitally signed by the shipowner and the signed file (with .p7m extension) has to be uploaded in the system by using the *Upload signed electronic authorization* button; if instead you wish to send the electronic copy of the paper authorization to Consap, the Model B has to be printed, signed manually by the shipowner, scanned and uploaded into the system, annexed to the request;
- *or* electronic copy of a declaration in substitution of an affidavit (following art. 47 D.P.R.: 445/00) regarding the requester’s role of shipowner without the relevant registration yet, operator, bareboat charterer, ship manager shipping agent acting in name and on behalf of the shipowner, the operator, the bareboat charterer or the ship manager. The web site allows you to fill in Model C (*Fill in Model C* button) and to generate a corresponding file (*Download model in pdf format* button). If you wish to send electronically the digitally signed request to Consap, the Model C too has to be digitally signed by the requester and the signed file (with .p7m extension) has to be uploaded in the system by using the *Upload signed electronic autodeclaration* button; if instead you wish to send the electronic copy of the request to Consap, the Model C has to be printed, signed manually by the requester, scanned and uploaded into the system, annexed to the request;
- electronic copies of the requests of registration of ship property, in the case the requester is the shipowner without the relevant registration yet.

Moreover, if the “Bunker Oil Blue Card” and, optionally, the “CLC Blue Card” have been issued by a Guarantor having no agreement with Consap, the requester has to annex to the request also the following documents:

- the declaration in original, issued by the guarantor not more than 7 calendar days before the date of submission of this request, regarding the existence of the insurance or financial cover;
- balance sheets of the last three years, duly certified, comprising the certification body report;

- reinsurance contract/s between the guarantor/s and reinsurance company/ies operating in the sector of risks for liabilities deriving from the Bunker Oil/CLC Conventions;
- declaration, provided by a independent and internationally recognized rating company not more than twelve months before, regarding the rating given to the guarantor/s or to their reinsurers, duly signed;
- declaration, issued and signed by the guarantor and in electronic format, regarding the existence of the coverage for liabilities deriving from Bunker Oil/CLC Conventions regarding acts of terrorism;
- proper documentation, issued by the competent authority of the State in which the guarantor/s has its own legal or operational office, from which the guarantor's admission to the insurance activity can be envisaged.

Electronic copies of these documents have to be uploaded into the system by using the corresponding *Upload file* button.

## GUIDELINES TO SEND THE REQUEST TO CONSAP

Once all forms and electronic copies of annexes have been loaded into the system, it is possible to send the request to Consap by pressing the *Send request* button. The execution of this command sends the request and all its annexes to Consap. The system send an e-mail to the requester, containing a receipt stating the completion of the submission process. From this point on, it is not possible anymore to perform any modification on the request or their annexes.

## TERMS AND CONDITIONS TO ISSUE THE CERTIFICATE

### Rejection of the certification request

The Certification will not be issued if it will not be possible to perform the formal data matching verification foreseen by the law (art. 6, c. 1 and art. 10 c. 1 of ministerial decree dated 20 December 2012).

Moreover, a certification request with a declaration in substitution of an affidavit containing false statements or a certification request without a verified certification cost payment will be rejected (art 3 c. 3 and art. 7, c .3 of ministerial decree dated 20 December 2012).

### Revocation of certification

If, for whatever reason, the insurance coverage or the financial guarantee the Certificate makes reference to becomes ineffective – before the expiration date indicated in the Bunker Oil/CLC Blue Card – the certification will be withdrawn, informing at the same time about it the Authority who takes care of the ship registry (art. 11, c .2, of ministerial decree dated 20 December 2012).

Therefore, also in case of ship ownership change, the registered shipowner, whose name appears in the Certificate in course of validity, is required to return it immediately for cancellation.

Any insurance coverage or any other financial guarantee variation or advance termination will make the Certification invalid.

Moreover, the Certificate will be withdrawn, with the application of all the penalties foreseen by the law, if the declaration in substitution of an affidavit contains any false statement or the certification cost payment cannot be verified (art. 6, c. 1 and art. 10 c. 1 of ministerial decree dated 20 December 2012)

#### Certification requester's responsibility

It is up to the requester to make the certification request submission well in advance, taking into account also the time needed to transmit the certificate to each ship.

#### Consap responsibility

Consap, in the context of its duties about formal verification and documentation of juridical relationships, is responsible solely about the execution of the Certification issuing process and is exempted from any liability regarding acts or facts performed by different subjects before or after the Certification issuing (art 12, c. 1 of ministerial decree dated 20 December 2012).

Consap is also exempted, with the exclusion of cases of willful misconduct or gross negligence, from any liability for issued acts, when the issuing is the consequence of either false or containing false data declarations, statements or documentation provided by the requester or by third parties (art 12, c. 2 of ministerial decree dated 20 December 2012).

In any case Consap has no liability for any prejudice coming from the impossibility to use the ship due to the certification request rejection or the certification withdrawal or any certification issuing delay not directly related to Consap.

#### Certification cost

The cost for each Bunker Oil or CLC certificate – payable in Euro only - is € 100,00, plus VAT – if due - and shipping expenses (art 14, c. 3 of ministerial decree dated 20 December 2012).

The payment has to be made through a money transfer to the following bank account:

- bank account holder: Consap SpA – Bunker Oil
- bank: Banca Popolare di Sondrio
- bank office: Agenzia n° 25 di Roma, Viale dei Parioli n°39/b, 00197 Roma
- IBAN code: IT59 V 05696 03225 000003431X81

Payment can also be made through the Pagopa platform, the relevant link can be found on the Consap website, in the section relating to Bunker Oil certification:  
<https://www.consap.it/rilascio-certificazione-bunker-oil/>

### Shipment expenses and Certification delivery

The Certificate can be taken at Consap premises during office opening hours; as an alternative, the Certificate can be sent by courier to the address given by the requester at his/her own expenses to be paid directly to the chosen courier.

Any risk related to the Certificate shipment, including loss or late delivery, is thoroughly in charge of the requester, with the exclusion of any liability for Consap.

### Contacts

Consap offices are located at the following address:

Consap spa- via Yser 14 – 00198 Roma (Italia)

Consap offices are open from Monday to Thursday, from 08.15 to 13.45 and from 14.45 to 17.15, and on Friday, from 8.15 to 13.15.

For further information, please contact +39 06 85796508 or send an e-mail to [certificazioninavali@consap.it](mailto:certificazioninavali@consap.it)