

GUIDE NOTES ON THE CERTIFICATION REGARDING THE ISSUING OF THE INSURANCE OR FINANCIAL GUARANTEE, PROVIDED BY ART. 4 BIS, PAR. 1 OF THE ATHENS CONVENTION 1974, AS MODIFIED BY THE LONDON CONVENTION 2002, INCORPORATED AND INTEGRATED BY THE UE REGULATION NO. 392 DATED 23 APRIL 2009.

Persons legitimized to submit Athens Convention 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 - carrier authorization, and Model C – declaration of the carrier’s agent) are available on the <http://convenzioneatene.consap.it/convenzioneatene> web site.

The compilation of the request has to be done using the <http://convenzioneatene.consap.it/convenzioneatene> 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 if needed, and uploading electronic copies of all requested annexes.

Consap is enabled to issue the Certificate for ships with Italian flag and for ships registered in a State in which the Athens Convention legislation, comprising also the UE Regulation 392/2009, is not in force.

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 performing carrier, the carrier’s authorization given to the requester has to be signed by the carrier manually - and then scanned and uploaded into the system - or by using the carrier’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.gov.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://convenzioneatene.consap.it/convenzioneatene> 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.

Notice: requesters who have both the carrier role and the shipowner role and who have access credential to the Bunker Oil web site, can use these credentials to access also the Athens Convention web site and, therefore, do not need to perform the registration process.

GUIDELINES TO COMPILE A REQUEST

By accessing to the <http://convenzioneatene.consap.it/convenzioneatene> 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 Athens Convention certification requests. Each request can regard one or more ships belonging to the same (physical or legal) person: in this case a Certificate will be issued for each ship.

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 the carrier's agent;
- To upload electronic copies of documents to be annexed to the request;
- To upload the Model A and the Model B digitally signed, or electronic copies of manually signed Model A and Model B;
- 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), who can be the performing carrier or the agent acting in name and on behalf of the carrier;
- The carrier (physical or legal person), to be compiled only if the requester is the carrier's agent;
- The list of ships for which the Athens Convention certification is requested.

Persons legitimized to request Bunker Oil certifications

In addition to the performing carrier, also the carrier's agent can submit an Athens Convention certification request:

Performing carrier is considered a subject who actually perform the transport and who is obliged to subscribe an insurance or financial guarantee in accordance to art. 4bis, par. 1 of the Athens Convention;

Carrier's agent is considered a subject who acts in name and on behalf of the performing carrier.

If the certification request is submitted by the carrier's agent, it is necessary to provide the carrier's name and registered office address. The Certification will provide, in accordance with the Convention annex, the carrier's name and registered office address, which have to be equal to those given by the Athens Convention Blue Card.

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.

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 Athens Convention, the carrier is obliged to subscribe an insurance policy or to acquire a financial guarantee to cover his/her passengers' damage liabilities, both for *war risk* and *non war risk* cases.

The proof of the guarantees has to be provided in the "war risk Athens Convention Blue Card" and "non war risk Athens Convention Blue Card" form, 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, both for *war risk* and *non war risk* cases, 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 “Athens Convention Blue Card” should be provided, instead of the Headquarters address.

If the “Athens Convention Blue Card” has been issued by a company with an agreement with Consap, it is important to select the name of the company who issued the guarantee from the list given by the system.

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 “war risk Athens Convention Blue Card” and of the “non war risk Athens Convention Blue Card” (two at least 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 “Athens Convention Blue Card” issued by an insurance or financial company);
- 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 ship to be certified;
- And electronic copies of further authorizations and declarations, if needed.

In particular, if the request is submitted by the carrier’s agent, it is necessary to annex to the request:

- The carrier’s authorization, in original, to request the issuing of the Certification (cfr Model B) with copy of the carrier’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 carrier 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 carrier, 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 – see fac simile) regarding the requester’s role of agent acting in name and on behalf of the carrier, together with an electronic copy of the identification document of the declaring person.

Moreover, if the “Athens Convention Blue Card” has been issued by a Guarantor lacking an agreement with Consap, the requester has to annex to the request also the electronic copies of the following documents:

- the declaration in original, issued by the “war risk” guarantor not more than 7 calendar days before the date of submission of this request, regarding the existence of the insurance or financial cover;
- the declaration in original, issued by the “non war risk” 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 Athens Convention;
- 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;
- 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.

The electronic submission of the request activates immediately the verification and certification procedures in Consap.

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.

Moreover, the request will not be accepted if the corresponding certification cost payment cannot be verified.

Finally, a certification request with a declaration in substitution of an affidavit containing false statements will be rejected or withdrawn, if already issued, in addition to the penalties foreseen by the decree of the President of the Italian Republic no. 445 dated 28 december 2000 and by successive modifications.

Revocation of certification

The subject who issued an Athens Convention Blue Card insurance or financial guarantee shall inform Consap promptly for any occurrence of circumstances able to influence, for whatever reason, the effectiveness of the insurance or financial guarantee the document makes reference to, before the expiration of the period of validity indicated in the Guarantee itself. In this case, as in any other case in which an authority of another State informs Consap on the occurrence of a dispute raised by a subject who issued an Athens Convention Blue Card insurance or financial guarantee about the effectiveness of the insurance or financial guarantee the document makes reference to, Consap can withdraw the issued Certificate, asking the prompt return of the original carried on board of the ship and giving proper communication to the authority who takes care of the ship registry.

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.

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 and withdrawal process and is exempted from any liability regarding acts or facts or omissions performed by different subjects before or after the Certification issuing or withdrawal.

Consap and his employees are 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 or of omissions by the requester or by third parties.

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 certification cost of each Certificate for each ship – payable in Euro only - is € 100,00 plus VAT if due and shipping expenses.

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 Athens Convention certification:

<https://www.consap.it/rilascio-certificazione-athens-convention/>

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