I. Report on the CMI 2007

The CMI and the Croatian Maritime Law Association organised jointly a Symposium on maritime law on 11 –12 May 2007 in Dubrovnik.

The Symposium consisted of two sessions; the first, under the responsibility of the Croatian Maritime Law Association, was held in the afternoon of Friday 11th May preceded by the CMI Assembly. The second, under the responsibility of the CMI, was held in the morning of Saturday 12th May.

During the first session report was given by Patrick Griggs on Wreck Removal and presentations held by Aleksandar Bravar on Maritime Transportation by Tankers and Maritime Environment, Igo Vio on The New Croatian Maritime Code, Peter Kragic on Issues of transport law, Dragar Bolanca on Carriage of passengers in Croatia, and Marija Pospisil Miler on IMO Reservation and Guidelines for the Implementation of the Athens Convention

During the second session reports were given by Francesco Berlingieri and Gregory Timagenis on Rules of Procedure in Limitation Conventions, Stuart Hetherington on Places of Refuge (an Update) and presentations held by Chris Davis on The Changing Seascape of Salvage Law and Archie Bishop on Environmental Salvage.

Places of Refuge

The main interest of marine insurers at the Symposium was the issue of Places of Refuge.

The IMO have developed Guidelines, which assist both Masters and Coastal States with what might reasonably be expected of them in a place of refuge situation (Resolution A.949 adopted on 5 December 2003). The IMO Legal Committee has decided not to do further work on this topic. However, some states together with organisations such as the CMI and IUMI, consider that there is still a need to continue with the work in this area. The reasons for carrying on are firstly the fact that the Guidelines are not mandatory, thus they are not binding. Secondly, they do not cover liability and compensation issues. In practice, States have no legal obligation to allow a vessel in distress to enter their ports.

Despite the IMO decision the CMI proceeded with its work and prepared a Draft Instrument for the CMI Cape Town Colloquium in 2006. Already in Cape Town there were plenty of views against continuing but also various views expressed in favour of further work in the matter.

At the Symposium Stuart Herrington reported on the developments since Cape Town Colloquium. The CMI had send out a Questionnaire to its member associations asking what conventions in this character they have ratified and also associations' opinion on the need of future steps in this matter. The International Sub-Committee was going to hold a meeting in which they would further discuss the Draft Instrument.

Like in Cape Town also in Dubrovnik the International Group of P & I Clubs together with the International Chamber of Shipping stated that they do not see any need for future steps in this matter. As previously IUMI supported the CMI initiative and stated that it would like the CMI to continue with the issue. The final discussions and decisions will take place at the CMI Athens Conference in 2008.
Other topics of interest to marine insurers

The report on the Wreck Removal Convention was given by Patrick Griggs. It was confirmed that the Draft Convention had been finalised and will be discussed at the Diplomatic Conference in May 2007 in Nairobi.

The report on the Procedural Rules Relating to Limitation Conventions was given by Francesco Berlingieri and Gregory Timagenis. As the main purpose of the CMI is to contribute to the unification of Maritime Law, it had decided to consider whether the national procedural rules concerning the implementation of the main conventions on the limitation of liability of the shipowners should be unified. It was reported that 20 national MLAs had replied to the questionnaire sent out by the CMI in order to collect necessary information on national laws. An International Sub-Committee had been established after Cape Town and its first meeting was to be held in Dubrovnik. The result of the future work could be a checklist for lawyers of things to consider when raising a limitation fund in different countries.

General Average

Bent Nielsen reported at the Assembly on the recent developments on YAR 2004. BIMCO has issued a circular in which it has advised its members not to incorporate 2004 York Antwerp Rules. Thus, President of the CMI has now sent a letter to BIMCO concerning this very unfortunate attitude.

The General Average Interest for the York Antwerp Rules 2004 was now set at 5.75 % per annum for the period from 1 January 2008 to 31 December 2008.

The rate of interest for the period from:

1 January 2005 to 31 December 2006 is 4.5 %.
1 January 2007 to 31 December 2007 is 5.5 %

In case interested in more details further information can be found from the website: www.comitemaritime.org.

The Next Conference of the CMI

The next CMI Conference will be held on 12 -17 October 2008 in Athens.