

Xianyong Zhou

From: Xianyong Zhou
Sent: 10 June 2016 16:16
To: Info Intercargo
Subject: IC1627 - Brief report on 103rd session of IMO's Legal Committee

Dear Members,

There are no specific bulk carrier issues at the 103rd session of the IMO's Legal Committee (LEG 103) meeting, held on 8-10 Jun 2016. Here is the brief report on LEG 103 for your reference:

1. Australia informed LEG 103 that its Government intended to ratify the BWM Convention by the end of 2016.

- It also mentioned that their tonnage is about 0.1% of the world fleet.
- On 26 May 2016 with Saint Lucia acceding BWMC, it brings the number of States party to BWMC to 50, representing 34.81% of the world's merchant fleet tonnage.
- If Australia does ratify BWM Convention by the end of 2016, it would bring the total tonnage to around 34.91% - short of 0.09% to trigger the entry into force of BWM Convention at 35% of the world's merchant fleet tonnage.

2. Financial security in case of abandonment of seafarers, and shipowners' responsibilities in respect of contractual claims

- LEG 103 notes that the 2014 amendments to MLC 2006 will enter into force on 18 Jan 2017, which is related to the provision of financial security for abandonment, personal injury to and death of seafarers.
- LEG has a working item on its agenda of 2016-2017 and will keep this issue under consideration, as ILO data shows that there still remain a number of unresolved cases among the 192 cases as listed by ILO.

3. Fair treatment of seafarers in the event of maritime accident

- LEG adopted a resolution LEG.3(91) on 27 April 2006, containing the **Guidelines on fair treatment of seafarers in the event of a maritime accident** (the 2006 Guidelines).
- ITF et al carried out a survey concerning the implementation of the 2006 Guidelines in 2015.
- ITF provided further information at this LEG 103 on the analysis of the laws of the Member States giving effect to the Guidelines. ITF informed that it was preparing guidance for States on the implementation of the Guidelines, drawing on all the materials, answers and comments that it had received in response to the survey. In view of the different approaches that States had taken in implementing the Guidelines, ITF suggested that an effective way to promote the Guidelines would be to organize regional or national workshops to discuss and refine the guidance being prepared, to make it useful for as many States as possible.
- The IMO Secretary-General congratulated ITF for its work. He highlighted the importance of the human element issues relating to both safety aspects and the fair treatment of seafarers.
- LEG 103 concluded that the different approaches in the implementation of the Guidelines could be streamlined through the development of guidance and therefore decided that the workshop proposed by ITF would be useful to provide assistance to Member States to give effect to the Guidelines in a uniform and consistent way.

4. Piracy

There is no any paper submitted to LEG 103 on piracy issues.

LEG 103 invited India to provide submission to address the 2 issues that India raised:

- No consistent practice by flag States regarding the provision of information to the seafarer's State on rescue operations, no medical support to seafarers in captivity, and no assistance from flag States to ensure that shipowners continue to pay the seafarers' wages; and
- Short duration of seafarers' contracts, usually three to six months, often meant that contracts would run out during the captivity of the seafarer and shipowners would not feel contractually obliged to continue paying the wages.

5. Delegating the authority of issuing certificates under the CLC and HNS Convention and other matters related to insurance certificates

- The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention), adoption on 3 May 1996, not in force; superseded by 2010 Protocol as adopted on 30 April 2010, not yet in force. (More info at <http://www.imo.org/en/OurWork/Legal/HNS/Pages/HNSConvention.aspx>)
- International Convention on Civil Liability for Oil Pollution Damage (CLC), adoption on 29 November 1969, entry into force on 19 June 1975; Being replaced by 1992 Protocol, adoption on 27 November 1992, entry into force on 30 May 1996. (More info at [http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-\(CLC\).aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-(CLC).aspx)).
- LEG 103 decided to establish an intersessional Correspondence Group under the coordination of France, to develop a draft Assembly resolution to guide flag States to delegate their RO, such as P&I, to issue certificates of insurance under the CLC and the HNS Convention for consideration by LEG 104 (possibly in Apr 2017), with a view to adoption by 30th Assembly of IMO.

Additional information and material about LEG 103 will be provided upon request.

Comments and views are welcome and appreciated.

Regards
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I ran the London Marathon for the charity organisation - **Seafarers UK** on 24 Apr April. Any donations are hugely appreciated:
<http://uk.virginmoneygiving.com/fundraiser-web/fundraiser/showFundraiserProfilePage.action?userUrl=xianyong-zhou-SAVMLMBONDS3332016-26044>