



COMITE MARITIME INTERNATIONAL

PRESIDENT

11 April 2013

Dear President

Standing Committee on Promotion of Conventions

The Executive Council decided in Beijing last year to set up a small (at this stage) Standing Committee consisting of Louis Mbanefo as Chairman and Deucalion Rediadis as Rapporteur to investigate the possibility of joint action being taken by the CMI, the International Chamber of Shipping and the IMO to identify significant maritime conventions which those organisations considered needed to be implemented in order to give greater uniformity to International Maritime Law. The work they will be doing (with you) is to promote ratification/accession to the designated conventions. This is distinct from the work Francesco Berlingieri has been doing on Implementation and Jurisprudence on Maritime Conventions.

A meeting was held on 17 December 2012 between Louis Mbanefo and Deucalion Rediadis on behalf of the CMI and Kiran Khosla, Director, Legal Affairs, International Chamber of Shipping and Simon Bennett, Director, External Relations at the International Chamber of Shipping, at which it was decided that the organisations should work together to see what could be achieved in promoting treaty ratification.

It was followed by a meeting with Dr Rosalie Balkin, Mrs D Lost-Sieminska and Ms Nihan Unlu Asin of the Secretariat of the IMO Legal Division on 18 December 2012.

Further meetings were held on 26 March 2013 with the ICS and the Deputy Director of the IMO's Technical Co-operation Division Mr Juvenal Shiundu.

It was decided that the CMI would send this letter to National Maritime Law Associations and the International Chamber of Shipping would send a similar letter to its Member associations. The purpose of these letters is to request NMLAs and ICS members to get together, in those countries where the CMI and the International Chamber of Shipping both have memberships, with a view to meeting with the appropriate government officials.

The following is a list of those countries where there are both NMLAs and ICS member organisations:

Australia, Belgium, Brazil, Canada, Chile, China, Croatia, Denmark, Finland, France, Germany, Greece, Hong Kong, Ireland, Italy, Japan, Republic of Korea, Mexico,

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Netherlands, Norway, Philippines, Singapore, Spain, Sweden, Switzerland, Turkey, United Kingdom and the United States.

The Conventions which it has been agreed to concentrate on are the following:

1. United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (Rotterdam Rules) 2009
2. Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea 1974
3. International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea 1996 and Protocol of 2010
4. The Nairobi International Convention on the Removal of Wrecks 2007, including extension of its scope of application to the territory of States Parties under Art. 3(2)
5. Protocol of 1996 to the Convention on Limitation of Liability for Maritime Claims 1976
6. Maritime Labour Convention 2006
7. MARPOL Protocol of 1997 (MARPOL Annex VI - Prevention of Atmospheric Pollution by Ships)
8. Convention on Facilitation of International Maritime Traffic 1965
9. International Convention for the Safe and Environmentally Sound Recycling of Ships (Hong Kong), 2009
10. Seafarers' Identity Documents Convention (Revised) (ILO 185), 2003

CMI is keen on extending the exercise also to the International Convention on Arrest of Ships 1999 and it is hoped that ICS will agree to this in due course. For present purposes, therefore, I would ask you to include that convention in your work as well, but on the basis that you're doing so on behalf of your MLA and the CMI only.

It is suggested that you might seek to ascertain the following information from the appropriate government officials:

1. If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?
2. If so, what is the likely procedure and time frame for such ratification to take place?
3. Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?
4. If so, please give briefly the reasons (bullet points will suffice)
5. If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or International Chamber of Shipping member association can do to assist the government reaching a decision?

It is not intended by the above questions to limit enquiries which you might be able to make of your government officials but they are suggested as an indication of the sort of information which we think it would be helpful for you to obtain, so that you can report back to the CMI as to the likelihood of the listed conventions being implemented and you will also be able to ascertain whether there is anything that you can do to assist your government in working through any issues that they have with any particular convention. For example, you may be able to host or

arrange seminars for government officials and others in the industry who might be affected by a particular convention.

It would clearly be appropriate for you to appoint one or more members of your Association to be responsible for this work and for that person or persons to then make contact with the person who is to be responsible for this work within the International Chamber of Shipping Member association. For ease of reference, I am attaching a list of the ICS members with contact details.

In order to assist in the coordination of the work with ICS member associations it would be useful if you could notify Deucalion Rediadis (dr@rediadis.gr) of the person or persons you have nominated, together with their contact details, at the earliest opportunity so that information can be fed back to the ICS in London and they can pass on those details to their member association office in your country (and vice versa).

I would be grateful if your nominee would make contact with the appropriate person at the member association of the International Chamber of Shipping in your country and then make arrangements, as soon as possible, to meet with the appropriate government officials.

I would also be grateful if you/your nominee would forward your reports to Deucalion after your meetings with the government official, or if you are only able to ascertain responses from your government on one or more of the listed conventions, please send your reports as they are completed in respect of each convention. Clearly the above information is not relevant where your country has ratified any of the above conventions. When reporting on your meetings please indicate whether the government of your country has ratified any of the conventions.

Those countries which have an NMLA but in which there is no ICS member association are encouraged, by way of a separate letter, to meet with their government officials and ascertain the answers to the above questions nonetheless and their response will be assessed together with all other feedback.

The ICS is going to prepare a draft letter which could be sent to your government officials jointly with its member, if you wish to do so. I will forward it to you in the near future.

Yours faithfully



Stuart Hetherington

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PROMOTION OF CONVENTIONS

INFORMATION COLLECTED ON THE CONVENTIONS LISTED BELOW

1. United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (Rotterdam Rules) 2009

a. *If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?*

Italy:

The Italian MLA inquired with the Ministry of Foreign Affairs and is awaiting a response.

b. *If so, what is the likely procedure and time frame for such ratification to take place?*

Italy:

Not applicable.

c. *Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?*

Italy:

Not applicable.

d. *If so, please give briefly the reasons (bullet points will suffice)*

Italy:

Not applicable.

e. *If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or International Chamber of Shipping member association can do to assist the government reaching a decision?*

Italy:

The Italian MLA is prepared to advise and assist the Government.

2. Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea 1974

a. *If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?*

Italy:

In May 2013, the Ministry for Infrastructures and Transport transmitted to the Ministry of Foreign Affairs a draft bill for the ratification along with an explanatory report.

b. *If so, what is the likely procedure and time frame for such ratification to take place?*

Italy:

The Italian MLA inquired with the Ministry of Foreign Affairs and is awaiting a response.

c. *Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?*

Italy:

Not applicable.

d. *If so, please give briefly the reasons (bullet points will suffice)*

Italy:

Not applicable.

e. *If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or International Chamber of Shipping member association can do to assist the government reaching a decision?*

Italy:

The Italian MLA has offered the Government all assistance required for Italy to become party to the Protocol.

3. International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea 1996 and Protocol of 2010

a. *If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?*

Italy:

The Italian MLA is informed that the implementation procedure and the related ratification are under scrutiny. However the Italian Government refrains from completing the process as neighbouring countries are not likely to ratify in the near future, and a ratification by Italy alone would create imbalance between the liability regimes in Italy and in the Mediterranean area and, more generally, in Western Europe.

b. *If so, what is the likely procedure and time frame for such ratification to take place?*

Italy:

The issue is uncertain.

c. *Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?*

Italy:

Not applicable.

d. *If so, please give briefly the reasons (bullet points will suffice)*

Italy:

Not applicable.

e. *If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or International Chamber of Shipping member association can do to assist the government reaching a decision?*

Italy:

The Italian MLA is prepared to advise and assist the Government in relation to the implementation of this instrument.

4. The Nairobi International Convention on the Removal of Wrecks 2007, including extension of its scope of application to the territory of States Parties under Art. 3(2)

a. *If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?*

Italy:

As of today, it does not appear that any steps to obtain the authorization for the ratification of this Convention were made by the Government and no draft law exists .

b. *If so, what is the likely procedure and time frame for such ratification to take place?*

Italy:

The Italian MLA inquired with the Ministry of Foreign Affairs and is expecting a response.

c. *Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?*

Italy:

Not applicable.

d. *If so, please give briefly the reasons (bullet points will suffice)*

Italy:

Not applicable.

e. *If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or International Chamber of Shipping member association can do to assist the government reaching a decision?*

Italy:

Not applicable.

5. Protocol of 1996 to the Convention on Limitation of Liability for Maritime Claims 1976

a. *If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?*

Italy:

The Protocol of 1996 to the Convention on the Limitation of Liability for Maritime Claims was ratified and entered into force with Law n. 201 of 23 December 2009. The activity to conform the Italian system to the Convention is still under way, notwithstanding the Government was authorized by the Italian Parliament to proceed accordingly.

However, legislation to have the Convention implemented was adopted with the legislative decree of 28 June 2012 n. 111, to comply with the European Union directive of 23 April 2009 relating to the framework regime of insurance imposed to shipowners for maritime claims.

b. *If so, what is the likely procedure and time frame for such ratification to take place?*

Italy:

Not applicable.

c. *Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?*

Italy:

Not applicable.

d. *If so, please give briefly the reasons (bullet points will suffice)*

Italy: Not applicable.

e. *If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or International Chamber of Shipping member association can do to assist the government reaching a decision?*

Italy:

The Italian MLA is prepared to advise and assist the Government.

6. Maritime Labour Convention 2006

a. *If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?*

Italy:

The Italian Government has not yet ratified the Convention, however the ratification is foreseen in the next future. In any case, the greater part of its rules are effective as the various ILO Conventions have been adopted by Italy.

b. *If so, what is the likely procedure and time frame for such ratification to take place?*

Italy:

The ratification procedure requires a governmental initiative, and the Government appears determinate to consider a ratification in the near future.

c. *Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?*

Italy:

Not applicable.

d. *If so, please give briefly the reasons (bullet points will suffice)*

Italy:

Not applicable.

e. *If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or International Chamber of Shipping member association can do to assist the government reaching a decision?*

Italy:

The Italian MLA is prepared to advise and assist the Government.

7. International Convention for the Safe and Environmentally Sound Recycling of Ships (Hong Kong), 2009

a. *If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?*

Italy:

The ratification has not taken place. However, the Italian Government is waiting for a decision by the European Union. The Italian Government would therefore be prepared to ratify or to accede the Hong Kong Convention as soon as the Convention enters into force in the European Union. Any implementing legislation will follow.

b. *If so, what is the likely procedure and time frame for such ratification to take place?*

Italy: Not applicable.

c. *Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?*

Italy: Not applicable.

d. *If so, please give briefly the reasons (bullet points will suffice)*

Italy: Not applicable.

e. *If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or International Chamber of Shipping member association can do to assist the government reaching a decision?*

Italy:

The Italian MLA is prepared to advise and assist the Government.

8. Seafarers' Identity Documents Convention (Revised) (ILO 185), 2003

a. *If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?*

Italy:

Italy has not ratified this Convention. It is considered that the Convention could constitute an administrative burden and might create extra costs. Also, additional analysis could be required as ILO chose a different biometric basis for identification than that of ICAO.

b. *If so, what is the likely procedure and time frame for such ratification to take place?*

Italy:

Not applicable.

c. *Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?*

Italy:

Not applicable.

d. *If so, please give briefly the reasons (bullet points will suffice)*

Italy:

Not applicable.

e. *If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or International Chamber of Shipping member association can do to assist the government reaching a decision?*

Italy:

See above.

The Italian MLA is prepared to advise and assist the Government.

9. International Convention on Arrest of Ships, 1999

a. *If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?*

Italy:

The Italian MLA inquired with the Ministry of Foreign Affairs and is awaiting a reply.

b. *If so, what is the likely procedure and time frame for such ratification to take place?*

Italy:

Not applicable.

c. *Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?*

Italy:

Not applicable.

d. *If so, please give briefly the reasons (bullet points will suffice)*

Italy:

Not applicable

e. *If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or International Chamber of Shipping member association can do to assist the government reaching a decision?*

Italy:

The ratification of the Convention is conditioned by the authorization of the European Union, as this Convention contains provisions on jurisdiction over which the European Union has competence to the exclusion of that of the Member States.