

Maritime Liability and Compensation Conventions

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- ***1992 CLC Protocol***
- ***1992 Fund Convention / 2003 Protocol***
- ***2001 Bunkers Convention***
- ***1996 HNS Convention/2010 HNS Protocol***
- ***Athens Convention 2002 Protocol***
- ***2007 Wreck Removal Convention***
- ***1976 LLMC Convention / 1996 Protocol***

The International Maritime Organization (IMO)



1992 Civil Liability Convention (CLC 92):

Status – *in force from 30/05/1996*

- *125 contracting States (as at 31/08/2011).*
- *Strict liability with limited shipowner defences/exceptions*
- *Shipowner funded compensation up to 90 m. SDR (approx US\$ 141 m.) - limits last reviewed upwards (approx 50%) from 1/11/03*
- *Compensation enhanced through voluntary industry agreement - STOPIA 2006 – small vessels up to 29,548 GT (State parties to 1992 Fund only)*

IOPC Fund Convention (1992 Fund):

Status – *in force from 30/05/1996*

- *107 States Parties (as at 31/08/2011)*
- *Provides for compensation up to 203 million SDR (approx US\$ 319 m.) including the applicable CLC limit*
- *Funded by member State contributions levied on industry*
- *Supplementary Fund Protocol – aggregate limit of 750m SDR (approx. US1.2 bn)*

Prestige – Spain, November 2002



2001 Bunkers Convention:

Status – *in force from 21/11/2008*

- *59 contracting States (as at 31/08/2011)*
- *Strict liability with limited shipowner defences/exceptions*
- *Compensation based on applicable national or international limitation regime e.g. LLMC – possible increases to limits?*
- *“Blue Cards” / financial guarantees*

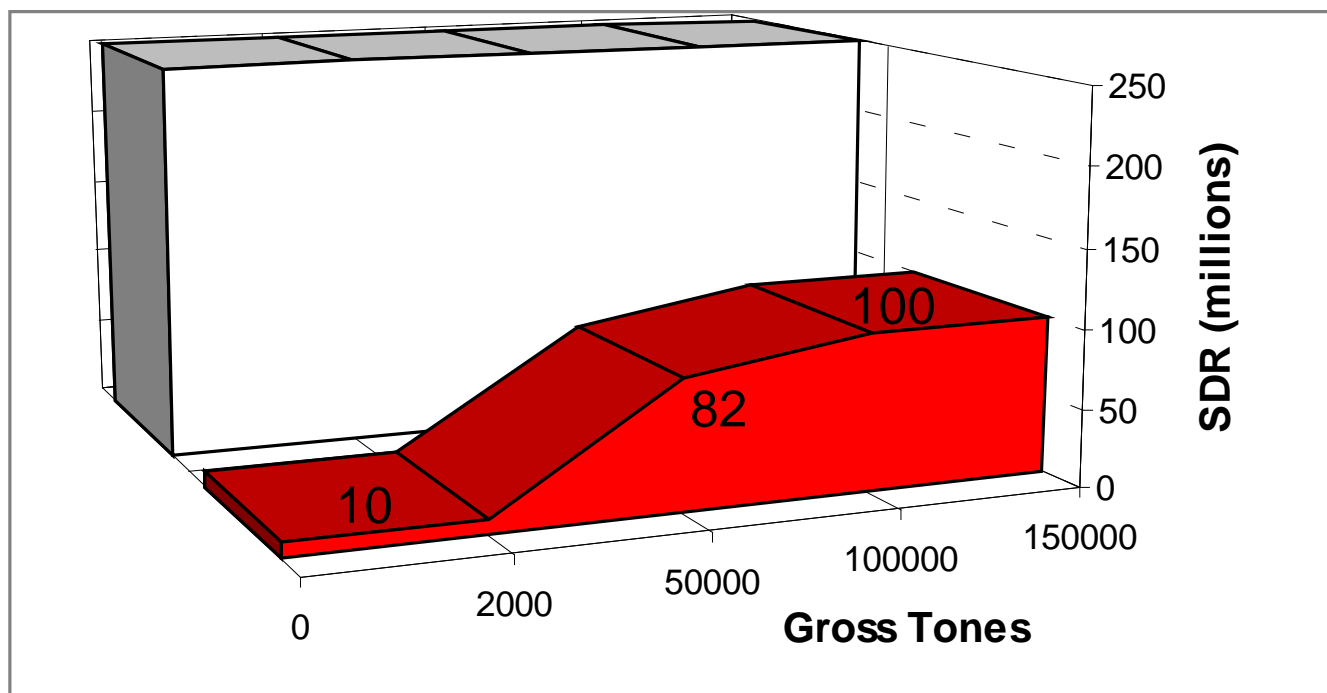
1996 HNS Convention/2010 HNS Protocol:

Status – *not in force. Protocol adopted by the IMO in April 2010*

Entry into force:

- *18 months after 12 ratifications with contributing cargo requirement*
- *Two tier compensation scheme as CLC/IOPC Fund up to 250m SDR (approx US\$ 392m)*
- *Strict liability with limited shipowner defences*
- *Shipowner liability limit up to SDR 100 million (approx US\$ 157m.) but 15% increase for packaged goods only*
- *Blue cards/financial guarantees*

HNS Convention: Compensation Amounts



- Limit on shipowner's liability
- HNS Fund

2002 Athens Protocol (Passengers and luggage):

Status – *not yet in force*

- *Currently 6 Contracting States – entry into force 12 months following 10 ratifications*
- *Strict liability with limited shipowner defences*
- *Shipowner liability limit for death/ PI 250,000 SDR per passenger (approx US\$ 392, 500) or 400,000 SDR (approx US\$ 628,100) where fault or neglect involved*
- *Blue cards/financial guarantees*
- *Entry into force in the EU on 31 December 2012*

2007 Nairobi Wreck Removal Convention:

Status – *not yet in force*

- *Currently 3 Contracting State - entry into force 12 months following 10 ratifications*
- *Strict liability with limited shipowner defences/exceptions*
- *Compensation based on applicable national or international regime e.g. LLMC (but note LLMC opt out for wreck removal claims)*
- *Unlimited liability in some jurisdictions*
- *“Blue Cards” / financial guarantees*

1976 LLMC Convention

Status – *in force from 01/12/1986*

- *51 States Parties*
- *Separate limits for passenger and other claims – calculated on a sliding scale SDR per GT basis – limit for largest vessels approx US \$ 64 m. (passenger claims) and US\$ 32 m. (other claims)*
- *No amendment procedure*

1996 LLMC Protocol

Status – *in force from 13/05/2004*

- *41 States Parties as at 31/08/2011*
- *Separate limits for passenger and other claims – calculated on a sliding scale SDR per GT basis – limit for largest vessels approx US \$ 150 m. (passenger claims) and US\$ 75 m. (other claims)*
- *Review of limits by IMO Legal Committee*
- *Under amendment procedure limits could more than double (6% pa compound)*
- *IG claims data*

Thank you for your attention





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