Maritime Liability and Compensation Conventions

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- 1992 CLC Protocol
- 2001 Bunkers Convention
- 1996 HNS Convention/2010 HNS Protocol
- Athens Convention 2002 Protocol
- 2007 Wreck Removal Convention
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