



COMITÉ MARITIME INTERNATIONAL

ISTANBUL 2015 EXCO #1

**Minutes of a meeting of the CMI Executive Council
Sunday, 7 June 2015 from 09h00 to 16h30
at the Sheraton Atakoy Hotel, Istanbul, Turkey**

Present

| | |
|------------------------------------|---|
| President: | Stuart HETHERINGTON |
| Past-President: | Karl-Johan GOMBRII |
| Vice-President: | Giorgio BERLINGIERI |
| Vice-President: | Christopher DAVIS |
| Secretary-General: | John HARE |
| Administrator: | Lawrence TEH |
| Treasurer/Head Office Director: | Benoit GOEMANS |
| Councillors: | Andrew TAYLOR Louis MBANEFO Dihuang SONG Jorge RADOVICH Tomotaka FUJITA Alexander von ZIEGLER Dieter SCHWAMPE Ann FENECH |

By invitation: Anne Verlinde and Peter Verstuyft

ITEM NUMBERS CORRESPOND TO THOSE ON THE AGENDA DULY CIRCULATED TO EXCO MEMBERS BY THE PRESIDENT ON 26 MAY 2015.

1. Apologies

No apologies were recorded.

2. Welcome

The President welcomed Councillors to the meeting, and extended a particular welcome to Peter Verstuyft, who had been invited to attend in order to meet Executive Councillors and other delegates in anticipation of his election at the Assembly meeting to take over the Treasurer's role from Benoit Goemans.

The Secretary-General presented Dr Bulent Sozer, Chair of the TMLA Organising Committee, to the Council which expressed thanks to Dr Sozer for the efforts of the TMLA and his committee thus far. Dr Sozer welcomed the CMI and the Council to Istanbul and then left the meeting.

3. Approval of the Minutes of Virtual Meeting November 2014

The minutes of the November 2014 virtual meeting of EXCO were tabled, approved and signed.

4. Matters arising from the Minutes of the Virtual Meeting

None, not covered in the agenda.

5. Minutes of the meetings of the Management Committee (22 – 24 February 2015, at Antwerp)

Tabled and noted.

The President invited Anne Verlinde to give a short description of her role and how it was working out. She confirmed that she works 13-hour week in aggregate, and is finding that in addition to the administrative tasks her time is well filled in relation to the website which she has been trained by Vanilla Brief to make alterations to.

The President asked about the extent to which Anne Verlinde is able to take over the management of the CMI website. Anne Verlinde confirmed that she can upload information on the website and that she would like to learn to create new pages properly. The Secretary-General attested to Anne's work on the website, also for her work in helping him to create a database for conference attendees, and for her processing of reimbursements for EXCO.

The President asked about the CMI archive and Anne Verlinde explained that it was in four different locations – Benoit Goemans' office, official archive, storage location and library in Belgian Shipowners' Association. Andrew Taylor asked whether the CMI archives are catalogued and Anne Verlinde said that they appeared not to be. The Secretary-General highlighted that it was a large exercise to do so and agreed with Andrew Taylor that it was important to put as much information as possible on the website. The archives are an ongoing item of the Management Committee.

Yearbooks – The President suggested that a template be created for more efficiency in NMLAs updating information and that the secretariat send out the template as a form for NMLAs to confirm the accuracy of their information in the Yearbook, and to facilitate changes to the information on the web site.

Vice-President Berlingieri confirmed he would be in touch with Ms Verlinde to continue work regarding Yearbook updates.

Dihuang Song mentioned that China MLA is to have an international conference and wondered if the event could be placed on the website. It was pointed out that there is a location on the website's opening page for NMLA events and others to be publicized and contributions of such information are welcomed. The suggestion was approved, the general principle being that the CMI is willing to assist NMLAs in disseminating information about upcoming maritime law related events in their jurisdictions. This is perhaps something that can be followed up through contact between EXCO members and the NMLAs in their charge. All such notifications should be processed through the secretariat.

The President asked if insurance had yet been put in place to cover Anne Verlinde's driving for work purposes. It had not, and the Secretary-General suggested that until it is in place, Anne should use a taxi.

It was suggested that Anne Verlinde's email address be listed on the website. Vice-President Davis enquired about the old email for Pascale Sterckx and was told that the *admini* email had been discontinued.

The President invited Peter Verstuyft to inform EXCO what the timing is for his assumption of the role as Treasurer, assuming the Assembly approves his nomination. Mr Verstuyft said that his successor had been appointed and the changeover would be in September 2015. The CMI Assembly would thus be asked to appoint Peter Verstuyft with effect from 1 September, though The Treasurer undertook to ensure a good overlap, for which EXCO's appreciation was expressed.

6. Finance and Administration:**(a) Treasurer's Report -**

Benoit Goemans as Treasurer tabled his report and drew the meeting's attention to the reserves of €630626 and the small annual surplus for 2014 of €10230. The Treasurer reported that the CMI is back to break-even and has not been required to dip into its reserve. The President considered that about €500000 was sufficient reserve.

Dieter Schwampe asked if there was a tax problem in holding too much reserve. The Treasurer did not think so and said that as long as the CMI funds stayed in the organisation, there should be no tax implications. He was generally in favour of maintaining a reasonable reserve.

(b) Accounts

Accounts were tabled and approved for submission to the Assembly.

(c) Audit Committee Report

The report of the Audit Committee was tabled without qualifications of the year's accounts, and was duly noted for submission to the Assembly.

(d) Budgets for 2015 and 2016

These budgets (duly amended and tabled) were approved, and in respect of the 2016 budget for submission to the Assembly upon the basis that it had been decided that it would not be necessary to increase NMLA subscriptions as had been contemplated last year. See further comments on adjustment of the 2016 budget figures in the light of a change in the policy relating to the reimbursement of EXCO registration fees in para (h) below.

(e) Report of collection of outstanding subscriptions

Vice-President Davis's report was tabled and noted.

The President reported that there had been no response to the final demand for subscriptions from Bulgaria and Pakistan, and accordingly EXCO agreed to recommend to the Assembly that Bulgaria and Pakistan be expelled.

Vice-President Davis reported that owing to sanctions, Russia was experiencing difficulty in settling outstanding subscriptions, though Anne Verlinde confirmed that some payments in small amounts had been received. The President had been in correspondence with the Russian MLA, most recently by way of email dated May 2 2015 when it was explained that the main source of revenue is membership fees, sponsors and small private donations. Membership fees had been doubled in the past year but unfortunately the devaluation of the Russian currency has made such payments less valuable. There is to be a seminar later this year in the autumn and the President had offered to seek to arrange for the attendance of an EXCO member if desired by the Russian MLA. It was resolved not to commence expulsion measures against Russia at this stage, but for Chris Davis to follow up recent correspondence and seek further payments to reduce the indebtedness.

The Treasurer mentioned Article 21 of the Constitution which empowers the Assembly to authorise the President to negotiate the amount and payment of arrears with Members in default, subject to approval of any such agreement by EXCO. He proposed that this should be a yearly blanket mandate sought given to the President by the Assembly. EXCO will put this to the Assembly for approval on an on-going basis.

Jorge Radovich provided an update on his efforts in relation to collections of NMLAs principally from South America, under his charge. Venezuela, as is well known, is suffering economically and has difficulty remitting funds outside the country, but its MLA remains committed to the CMI and will make whatever payments it can as soon as possible. Colombia and Uruguay had also

been contacted and there is an expectation that they will pay their arrears soon. Jorge Radovich will contact those MLAs that he was responsible for with a view to ensuring timely payments are made.

Two MLAs had enquired as to the possibility of having a unilateral reduction to their subscriptions, without the CMI conducting a complete review of subscriptions. After wide ranging discussion it was decided that it would not be appropriate to make individual reductions in subscriptions, which in any event can only be made by the Assembly. Following on from the earlier discussion concerning the mandate to be sought from the Assembly for the President to be empowered to negotiate with MLAs under Article 21 it was considered that this was a more appropriate course to take where MLAs encountered financial difficulties. It was also decided that if in the next couple of years there are to be increases in subscriptions proposed to the Assembly it may be considered appropriate at that time to conduct a more general review of the categories and the amounts that each category pays.

Dieter Schwampe enquired about the history behind the assessment of subscription fees. The President explained that historically subscriptions had been set having regard to the size of maritime and trade activity in the jurisdiction, taking into account fleet size, strength of maritime bar and other factors indicating the strength of the shipping sector. There had been a general review of subscriptions across the board for all MLAs when the Steering Committee reported in 2009. That had resulted in significant reductions for most MLAs, including the revocation of fees for Titulary members.

Portugal has not paid anything since the formation of a new NMLA (with 15 members), but has offered to make a 50% payment of all its arrears and full payment for the current year's subscription. The President was authorised to approve such a deal and Vice-President Berlingieri undertook to make contact with Portugal's MLA President with whom he had recently spoken. It was pointed out that whilst Portugal is said to have only a limited membership the recent IIDM meeting in Lisbon attracted a very much larger group of local maritime lawyers.

The Dominican Republic had also been in contact concerning its arrears and made an offer to pay 50% of its arrears by way of instalments and pay this years and future subscriptions in full. The President was authorised to approve such a deal and Vice-President Davis undertook to notify the President of the Dominican Republic's MLA.

Vice President Berlingieri proposed that a questionnaire be circulated to the NMLAs to learn more about how they are organised and their leadership is renewed. This was noted without decision, it being something that may be considered in the future, especially if increases and/or a review of subscriptions is to be considered. It was pointed out that such a questionnaire was previously sent out to members by the Steering Committee and the President undertook to forward a copy of the synopsis of the responses to Giorgio Berlingieri. The Secretary-General pointed out that we need always to be aware that NMLAs query what value they get from paying subscriptions. The more exposure we can generate about the extensive and often behind the scenes work being done by the CMI to produce a better maritime law regime internationally, the better the perception of that value will be to NMLAs. But this message needs to get down the line to individual members of the NMLAs and thus frequent contact with NMLAs is most desirable. This is being achieved through our website, and our events. Dihaung Song stressed the importance of the participation of the CMI and EXCO in locally organised events.

The Secretary-General suggested that Consultative Members could be encouraged to pay some membership fee. Andrew Taylor cautioned that some of those international organisations supporting the GA sessions pay fees to BMLA so we need to bear that overlap in mind. The Administrator was tasked with looking into the possibility.

There was no support for the suggestion made that Titulary Membership fees be reintroduced.

(f) Approval of nomination of De Mol, Meuldermans and Partners BVBA as auditor of 2016 accounts

Resolution: Approved the appointment of De Mol Meuldermans & Partners BUBA as auditor.

(g) Appointment of Peter Verstuyft

Resolution: Approved, to ask the Assembly to confirm Peter Verstuyft's nomination for appointment as Treasurer with effect from 1 September 2015.

(h) Reimbursement of ExCo expenses and Reimbursement of Chairs/Rapporteurs expenses.

The Secretary-General explained his memorandum, which was tabled. He reported the successful introduction for the Istanbul Colloquium of a social registration fee of €250 (broadly corresponding to the social costs of an event) which was paid by all the speakers who had their remaining 50% registration fee underwritten by the CMI - without any demur. This in the context that it is CMI policy that speakers where possible should not have to pay a registration fee. This policy was endorsed by EXCO. The first 50% of speakers' registration fees was absorbed into the Hamburg and Istanbul Colloquium budgets.

The Secretary-General asked if there is general support for social registration fee being paid not only by speakers but by EXCO as well. He expressed the view that while on CMI business, including attending CMI events, EXCO members should have all their expenses paid not least because the cost would be beyond the means of those from weaker currencies. He expressed his oft-repeated view that the CMI should not be a "rich mans' club" – gender and means issues need to be considered. Accommodation costs should also be considered, it being the present practice that EXCO members have their necessary accommodation for events reimbursed by CMI.

The President recalled a paper of the then President of CMI, Patrick Griggs, dealing with this topic in 2001 and the Resolution at that time by EXCO where it was agreed that EXCO members should pay their own conference fees (except the President and Secretary-General) unless they performed a specific function during the event (such as speaker or perhaps chair of a session).

There was much debate, with views initially supporting EXCO not paying any registration fees, but paying a social registration fee. Ann Fenech suggested that having their registration fees paid is in a small way compensating EXCO members for their work. Karl-Johan Gombrii agreed, and said that it is expected of EXCO members that they attend CMI events. Jorge Radovich agreed with these views and said that this would enable lawyers from smaller firms to accept appointments to serve on EXCO.

Vice-President Davis then suggested that it may be tidier, and have much the same outcome, if the CMI were to meet 50% of EXCO's registration fees, with no social registration fee. The Secretary-General was not sure that the outcome would be the same, especially where there is a high registration fee (such as will be likely in the USA for 2016). He pointed out that the decision did not affect him because as Secretary-General, he does not pay registration fees anyway.

The Treasurer wondered whether it could be agreed with NMLAs for future conferences that EXCO and all speaker expenses could be accounted as part of overheads, i.e. before profit is reckoned. The Secretary-General replied that while he would be looking to the Conference budget in New York to meet the full 100% of speakers' registration fee (rather than only 50% as has been done for Hamburg and Istanbul) he thought that the CMI had its own business to do around Conferences, and that part of that business was for EXCO to attend its own meetings and the Conference. He did not think he would be able to load event budgets with EXCO registration fees.

Andrew Taylor thought that we should keep in mind EXCO business on the one hand and Conference business on the other and find a mechanism for reimbursing for EXCO business.

The Secretary-General agreed that this is how events are now structured: with separate budgets for CMI own expenses, conference expenses and host MLA expenses.

The majority of EXCO favoured the “EXCO obligation to attend CMI events” approach, but supported the notion of a part refund of registration fees instead of a social registration fee with a full refund.

Resolution: By unanimous vote that EXCO members attending CMI events would receive 50% reimbursement of their registration fees, and full hotel accommodation costs necessitated by their attendance at such events. Travel costs are also covered, as determined by the guidelines approved by EXCO in 2014.

The Secretary-General confirmed that it would be within the President’s powers to look at any deserving case where a departure from this decision is warranted.

Reference was then made to the Treasurer’s budgets up to 2016 which could be adjusted in the light of the above resolution. The Secretary-General proposed that for 2016 line 61 be €15,000, then line 71 be nil, then line 72 be €4,000 (the provision for speakers’ travel costs being too high). The 2016 budget was adjusted accordingly.

7. Members and appointments

(a) Expulsion: Pakistan and Bulgaria

Resolution: To recommend to the Assembly that both MLAs be expelled.

(b) Provisional membership: Captain Ahmed Ruhullah, Bangladesh

Resolution: To recommend to the Assembly that he be appointed a Provisional member.

(c) Possible future membership applications:

(i) Lebanon (Hussein Abou Zeid of Kouatly & Associates) Correspondence between this applicant who was in the process of founding a Lebanese MLA and the President was tabled and noted. In particular it was noted that there had been no response to the President’s communication of 13 February 2015 inviting him and his colleagues to attend the Istanbul meeting .

(ii) Iran (Amirhossein Haghghi). Correspondence between this applicant who was a member of the Iranian MLA for Provisional membership and the President, (the President’s letter explaining that provisional membership was intended for persons who are endeavouring to set up an MLA and not for MLAs who are already in existence), was tabled and noted.

(iii) Chris Davis queried whether Cuba might be a potential member and Dieter Schwampe referred to correspondence from a resident of the UAE, which will be followed up.

(d) Titulary membership:

Jonathan Lux: Nomination by EXCO to Titulary membership, introduced by Andrew Taylor.

Karel Stes; nomination by the incoming President of the Belgian MLA to Titulary membership, introduced by Frank Stevens.

Resolution: Both approved unanimously for approval of the Assembly.

8. Meetings

(a) Istanbul 2015

The Secretary-General reported briefly on the final arrangements for the Istanbul Colloquium for which there were over 230 registrants (final figure, 241 plus 41 Accompanying Persons). He recorded thanks and praise for the efforts of both the PCO, Etix and the Turkish MLA Organising Committee.

(b) New York 2016

The Secretary-General’s report was tabled and noted. A CMI 2016 New York Planning Committee meeting is to be held on Monday with those of the US MLA organising Committee including its President and Vice Presidents who are present in Istanbul.

The President reported on an approach made to the CMI through Ricardo Rozas that the IBA Transport Committee join the Conference as co-host. The President reported that from views sought, it was not considered a good idea to co-brand the IBA but that there were advantages to be gained from some limited form of collaboration. The Secretary-General expressed concerns at possible difficulties in organising an even larger event than already planned, especially given how far advanced we already are.

It was suggested that in future years when CMI decides on a more limited event, then we can let IBA know and they can have bigger events and we can cross-publicise. Opinions were given by Ann Fenech, Dieter Schwampe and Dihuang Song on possibility of collaboration with IBA. The Secretary-General said that Ricardo Rozas was keen to promote IBA attendance and publicise CMI New York to IBA. The President stressed that the success of New York depends on programme planning and getting up a level of interest that will attract delegates to attend the CMI conference. The President thought that carriage/Rotterdam Rules to be one of those topics.

The Secretary-General mentioned the open door policy of the US MLA Spring Meetings and expressed pleasure that all members of EXCO had approved this as an aim for the CMI and MLAUS in 2016 – subject to the caveat that there are events for which registration and payment of a fee will be required. The Secretary-General explained that it will be crucial for the joint working sessions be open to all, primarily because the MLAUS members are used to attending all Spring Meetings for free. What will help is for as many as possible of the meetings to be held at the Hilton where there is ample space at no extra charge. A very competitive room rate has been negotiated with the Midtown Hilton.

The President suggested that we look at IWG topics that could be relevant to US MLA Committees, e.g. arbitration, cross-border insolvency, classification societies, fair treatment, acts of piracy, marine insurance, etc. To this end, he and Bob Clyne, the current MLAUS President, have already sent a letter to the chairs of all CMI IWGs and all MLAUS Committees inviting suggestions for collaboration.

[13h15 break for lunch. Meeting resumed 14:10]

(c) Assembly 2017

EXCO was unanimous in the view, at this stage, that there should be a small event around an Assembly for 2017. The Secretary-General suggested the possibility of Genoa so that Prof Francesco Berlingieri might attend, and be honoured by the meeting.

A final decision was deferred to New York, because it will depend also on progress made with General Average amendments.

(d) Colloquium and Assembly 2018

(e) Assembly 2019

(f) Conference 2020

No decision was needed for events beyond 2016 at this stage, though the principle was accepted that the CMI return to the format of a main event every 4 years, an intermediate symposium or colloquium every two years, and in the in-between years, a simple Assembly at a venue reasonably accessible. This was so that we do not devalue the CMI events by scheduling them too often, especially in the light of difficult economic circumstances.

9. International Working Groups

(a) Recognition of Foreign Judicial Sale of Ships

The President commended the work done by Henry Li and Jonathan Lux at the IMO Legal Committee meeting in April but emphasised the matters referred to in his letter reporting to MLAs dated 11 May 2015 to the effect that two sponsors are needed (ie one country to support China) and the provision of examples where Judicial Sales had not gone smoothly, in the sense that they had not been recognised in another jurisdiction. These are needed in order to reach the threshold test of the IMO's "compelling need". Follow up will be crucial to the eventual success of the instrument. The President also referred to the fact that there are to be

discussions between UNCTAD and IMO as to how they can best co-operate in relation to this project and he will be meeting with Dorota Lost-Sieminska at the IMO immediately after the Istanbul meeting.

(b) Review of the Rules on General Average

EXCO noted that the ISC the day before had produced indications, of progress and optimism that agreement can be reached on the two major issues of salvage and port of refuge expenses. If this agreement can be reached, amendments in New York would be attainable. The IWG is suggesting also that there be guidelines produced which can be updated more easily, and which can provide illustrative examples of GA adjustments in contentious matters.

(c) Cross-border Insolvency

Vice-President Chris Davis reported that the subject remains relevant. He referred to his report which was tabled and noted which outlines possible ways forward. The President suggested that there seemed to be a variety of approaches which could be taken and something should be prepared for discussion and possible resolution in New York such as the drafting of a proposed legislative amendment along the lines of EU Regulation 5.1, a carve out as per South Africa's s.10, or a limit to Article 21 relief. The final alternative seemed to be to allow the Courts to sort out the mess.

(d) Polar Shipping

The Report of Aldo Chircop was tabled and noted. He is unable to be in Istanbul as his wife is undergoing medical treatment. We wish him well and congratulate him and the IWG on the excellent work that has been done to date, especially in relation to the Polar Code. The IWG has conducted its work via emails, telephone conferences and occasional meetings. It has devolved into the following sub groups: Conventions; Load Lines; Civil liability, Polarworthiness; and Collision avoidance regulations. The Secretary-General reported that under the temporary leadership of Nigel Frawley, the IWG was to devote two full days to meetings in Istanbul. The IWG is in contact with its counterparts at the US MLA and it is anticipated that a valuable working session can be developed for the New York Conference.

(e) Marine Insurance

Dieter Schwampe tabled the IWG report which was noted. It referred to discussions that had taken place between Fred Kenney at the IMO and chair Jo Grasso as a result of which the IWG had determined to proceed with preparing draft Guidelines to assist Governments in satisfying themselves that any statutory insurance cover provided is in line with minimum requirements under the relevant conventions and in relation to time limits for direct action claims against insurers. The IWG will also be considering the recent EU Directive on Mutual Recognition (relating to Classification Societies) with a view to analysing the effects of the Directive on the marine insurance industry and whether there was any work product which the IWG could produce to assist industry. EXCO commented that Marine Insurance was a good topic for the New York Conference.

(f) Offshore Activities

The report of Patrick Griggs was tabled and noted. Jorge Radovich spoke to the report, and confirmed that the IWG would be meeting later in the day to prepare for tomorrow's seminar. He suggested that a convention on liabilities is under consideration as a possible way forward.

(g) Rotterdam Rules

Tomotaka Fujita tabled the IWG report. He reported that he and Alex von Ziegler had taken part in an UNCITRAL workshop in December to prepare a ratification kit for countries contemplating ratification. The President reported on correspondence he had had with the Polish MLA who had suggested that a topic for consideration by the CMI should be jurisdiction clauses in carriage documents and their different interpretations in various jurisdictions. The President queried whether this might be an informative topic for consideration in New York by way of panel presentations, perhaps chaired by Michael Sturley. It was noted that Michael Sturley was attending Istanbul and would be presenting an update on the progress of the Rotterdam Rules through the USA system.

Resolution: It was agreed that Miriam Goldby be invited to join the IWG and approval given to Tomotaka Fujita to provide the IWG ratification kit to UNCITRAL.

(h) **Fair Treatment of Seafarers** The report of Olivia Murray was tabled and noted that a CMI co-sponsored paper had been submitted to LEG 102 in April 2015, which reported on the survey that had been conducted into the Fair Treatment Guidelines. The Committee determined to keep this subject on the work programme.

(i) **Acts of Piracy - Maritime Violence :**

Andrew Taylor tabled his report which was noted and spoke to it- confirming that while pirate activity around the coast of Somalia was lessening both Nigeria and South East Asia had seen increases in such activity. The Secretary-General reported that Frank Wiswall had resigned from the IWG.

(j) **Cape Town Convention (Since renamed Ship Finance Security Practices)**

Ann Fenech tabled her report, and spoke about identifying how she has gone about the task of interviewing the proposed members of the IWG and what they brought to the study of this topic. Ann also informed the meeting that work had already started on the formulation of a questionnaire to send to MLAs and those members of the group who were in Istanbul would be meeting over the next couple of days. The Secretary-General remarked that the formation of the IWG was a textbook example of how this should be done. The Secretary-General will write to Sir Roy Goode to inform him of the establishment of this IWG.

Resolution: Approval was unanimous for the formalisation of the IWG and of the membership as proposed: Ann Fenech (Chair); David Osborne (Rapporteur); Andrew Tetley; Sheng Chen; Professor Souichirou Kozuka; Camilla Mendes Vianna Cardoso; Allen Black; Stefan Rindfleisch.

(k) **Study relating to Liability for Wrongful Arrest**

Vice-President Berlingieri tabled his report, and the questionnaire that has been sent out to NMLAs.

It was decided that the group remain small at this stage, pending the replies to the questionnaire.

Resolution: The IWG was agreed in November, but the composition was discussed further, and Sir Bernard Eder was proposed as an additional member which was accepted. The Secretary-General is to write to him to invite him to join, copy to Giorgio Berlingieri.

(l) **Restatement of General Principles of *Lex Maritima*.**

The Secretary-General tabled the report of Eric van Hooydonk, which identified the task of the IWG to develop "an elementary- that is concise and flexible- description of the typical concepts of the rules of maritime law that may be regarded as internationally accepted and common to most if not all legal systems and traditions". His report also identified the proposed members of the IWG. As no CVs of those proposed were available, it was agreed to hold over approval of the new members until the second EXCO meeting, once Prof van Hooydonk had submitted CVs.

10. **New IWG: Unmanned Ships**

The President noted that this topic is gathering considerable interest. A typically erudite paper ("The law of unmanned merchant shipping-an exploration") had been written on the topic by Eric van Hooydonk which had been published in the Journal of International Maritime Law ((2014) 20 JIML) and correspondence had been received from Robert Veal, a Senior Research Fellow at the Institute of Maritime Law at Southampton University wishing to utilise the CMI for the purposes of sending a Questionnaire to MLAs. The Secretary-General undertook to liaise with Prof Schwampe to identify possible US members so that the topic can be covered in New York in 2016. Prof Schwampe undertook to draft a letter to send to Robert Veal in relation to an upcoming event dealing with unmanned ships at Southampton University in October, and Mr Birch Reynardson was to be asked to suggest someone from London to attend the Southampton event. The Secretary-General mentioned that this is another ideal topic in which to involve younger members, and suggested he approach Steven Gosling to ascertain if he is

interested in joining the group. He was driving the young projects at the Nautical Institute though he has now moved on. (Subsequent to both EXCO meetings in Istanbul the President ascertained that Henrik Ringbom is very involved in work related to this topic and would be delighted to join the IWG).

Resolution: The establishment of a new IWG was approved, with Tom Birch Reynardson as Chair. Dieter Schwampe volunteered to join, and Eric van Hooydonk was proposed as a further member and approved. The new IWG should liaise with Robert Veal in relation to the Questionnaire which can be forwarded to MLAs provided a suitably worded letter accompanies it making clear that it is not a CMI Questionnaire and it is a matter for each MLA as to whether it wishes to participate by responding to it. Dieter Schwampe is to prepare a suitable letter for the Chair of the IWG or the President to send.

11. Standing Committees:

(a) CMI Charitable Trust

The President reported that the Trust is to meet in Istanbul and Patrick Griggs would present a report for the Assembly. The Secretary-General expressed his wish to revive the Essay Prize which had foundered many years ago and the Charitable Trust will be asked to fund it. Further discussion to be deferred until Taco van Der Valk is elected to EXCO.

(b) CMI Archives

This topic was dealt with under item 5 above

(c) CMI Young Members

Sebastian Lootgeiter's request for funding (for the event of Young Lawyers in Northern Europe) was discussed but it was considered more appropriate that it be redirected to NMLAs. The President reiterated that consideration be given to appointing young lawyers as rapporteurs of IWGs where appropriate. The topic of Unmanned Ships being one for consideration in that regard.

(d) Constitution Committee

The Secretary-General tabled a short report covering meetings in Antwerp in February, and undertook to carry on the review of the constitution in good time to recommend amendments for New York. The President had identified to the Committee three Articles (12, 15 and 18) that he thought worthy for reform consideration—Article 12 in order to give greater express authority to the Treasurer to perform administrative tasks; Article 15 to consider the manner of appointments to the Nominating Committee; and Article 18 to empower EXCO to pay Honorariums to the Treasurer, Administrator and Secretary-General. Patrice Rembauville has confirmed he would like to stay on the committee and Frank Wiswall has stepped down. His resignation was noted, with thanks for his enormous contributions to the constitution of the CMI over many decades.

(e) General Average interest rates

The committee's proposal for a rate of 2.5% was tabled for submission to the Assembly, with a view to EXCO also being empowered to vary that rate if so recommended by the Committee towards the end of the year if there is a change in circumstances.

(f) Nominating Committee

The committee's report was tabled and noted. The Administrator confirmed that there had been no additional nominations, beyond those referred to in the report.

(g) Planning Committee

The Secretary-General tabled a short report, indicating that it was unlikely that a meeting of the committee would be convened in Istanbul. He asked that the planning reports of New York and Istanbul, and the proposed new IWGs be read as evidence of the considerable planning that had been done during the past year, though regrettably mostly outside the committee. Clearly the planning and preparation for the New York Conference and the merger of US MLA Committees and IWGs will throw up new challenges which can be considered and debated after that Conference.

(h) Jurisprudence database on Maritime Conventions

The President suggested that the CMI should encourage NMLAs to supply jurisprudence to Stephen Girvin and his newly appointed researcher for the project, Jesse Zhihe. All those who read these minutes are asked please to submit any appropriate court decision dealing with the interpretation or application of the selected Maritime Conventions (see the President's Annual Report to the Assembly for the list) to Prof Stephen Girvin (sdgirvin@nus.edu.sg.)

(i) Implementing and Promoting Ratification of Maritime Conventions

The emailed report from Deucalion Rediadis tabled and noted. In particular it identified that the 15 replies to the Questionnaire showed that those Conventions with wide acceptances are those where ICS/CMI have members. (These include Marpol, FAL, PAL 2002, and LLMC 1996). Others (such as RR, HNS, WRC, Recycling, SID and Arrest 1999) are in jurisdictions where both CMI/ICS have members and those where they do not. Some of the reasons identified for non-ratification for particular conventions are: RR - dependent on trading partners; HNS - burdensome procedures and dependent on neighbouring States; WRC - no common reasons apparent; Recycling - ratification by States with recycling capacity is relevant, hence no urgency for other States; SID - burdensome procedures, data protection issues, no added value; Arrest 1999 - preference for 1952 Convention; EU States defer to EU Regulations on Jurisdiction in civil and commercial matters.

Louis Mbanefo said that on the one hand there was no point in making conventions if no one ratifies, on the other hand the act of promoting ratification is sensitive because it is a sovereign matter. Response to the questionnaire was poor. The President suggested that CMI should be more pro-active in promoting ratification. It was suggested that perhaps CMI could offer to participate in events in countries to raise awareness and interest in ratification. Dihuang Song suggested that a precipitating event might be used as the occasion to ask the government to consider ratification, citing as an example the Yangtze ferry disaster and the ratification of the Athens convention and protocols.

Deucalion Rediadis's report also suggested that the work of the committee be split into two streams: ratification and monitoring implementation. This would be discussed further at later meetings of EXCO. Peter Laurijssen of the Belgium MLA had volunteered to assist and Deucalion has indicated a need to have someone from a common law jurisdiction to assist.

(j) Publications and website The need for a template for NMLA Executive information was again referred to as necessary to maintain the accuracy of information on the data base and in the Yearbook.

Vice-President Berlingieri and Anne Verlinde reported on the finalisation and transmission of the Yearbook, as well as plans for the next issues. The Vice President was congratulated on a fine effort in producing the Yearbook.

The President reported that work on the publication of the Conventions Handbook still proceeds. Patrick Griggs has recently enquired of Frank Wiswall whether it was still feasible to be considering a printed version or whether a disc or memory stick may be more useful.

Resolution: A quotation from Vanilla Brief to upgrade the website was considered. It was decided that there were insufficient funds budgeted to authorise this work at this stage and Anne and Peter will investigate returning the management of the web site to Belgium if an appropriate person or organisation can be identified.

12. Ad hoc Committees:**(a) Arbitration**

This topic was deferred until Luc Grellet joined EXCO.

(b) Ship Nomenclature

Frank Nolan's report was tabled and noted. The project was identified as studying "the meaning and uses of the terms "ship", "vessel", "watercraft", or other relevant terms for marine property subject to international agreement and national laws".

The Secretary-General reported on the work to date of Frank Nolan in constituting the IWG. This IWG will be producing a Questionnaire and will be encouraged to set up this topic for the New York Conference.

Resolution: The composition of the IWG proposed by Frank Nolan of Edmund Sweetman, (Rapporteur), Jens Mathiasen, Lawrence Teh, and Ricardo Rozas was approved, with the addition of Dr Bulent Sozer who had indicated a willingness to serve, this being a topic on which he has written.

(c) Future of CMI

The Secretary-General reported on discussions held with Liz Burrell in New York and confirmed that she was attending Istanbul, and was serving on the organising committee of CMI 2016 New York. Liz Burrell has indicated that she will have a report ready for New York.

(d) Classification Societies

The Secretary-General proposed that the IWG be reconstituted, and this was agreed. Karl-Johan Gombrii confirmed he is happy to chair, with Alex von Ziegler, the Secretary-General and Tomotaka Fujita. Consideration was given to enlarging the group to include representatives from industry. After debate, it was decided that the way forward should be cautious, and that industry should first be consulted as to whether or not they would support a renewed CMI initiative. Once that has been ascertained the IWG may recommend additional members. It was noted that this is a topic which would be suited to the New York Conference.

Resolution: This Committee will comprise Karl Gombrii (chair), John Hare, Tomotaka Fujita and Alexander von Ziegler.

(e) Potential new studies:

(i) Cybercrime in Shipping

The Secretary-General tabled his report, but a final decision was held over to EXCO #2 to see if Taco van der Valk would be interested in chairing.

(ii) Maritime Law and Refugee Migration at Sea

The Secretary-General tabled his report and sought authority to establish an ad hoc committee to look into the maritime law ramifications of the issue, and whether or not the CMI could become usefully involved. He stressed that this was a tragedy unfolding daily on the seas in ships, and that international maritime regulation and law was simply ignored. He reported that Fred Kenney of the IMO had expressed interest in the CMI becoming involved. The President referred to the history of dealing with a similar problem in Australia and in particular the legal issues that came to the forefront in relation to the "Tampa" incident where "refugees" were taken on board the cargo ship off the coast of Indonesia and sought to discharge them in Australia.

The Secretary-General asked if there were yet any standard BIMCO clauses, to which Andrew Taylor replied that there were none yet. Ann Fenech suggested all EXCO members feed information or comments to the Secretary-General so that the initiative may be further evaluated.

Resolution: an initial "Committee", comprising the Secretary-General, with a mandate to report on further steps that may be appropriate was established.

(iii) International Health Regulations and Shipping: The President's Memorandum recounting the request he had received from Fred Kenney to liaise with interested parties the resultant telephone meeting with representatives of the International Cruise Industry and the ICS concerning the problems faced by the industry and the recent Ebola crisis was noted. The President undertook to report further developments once the paper prepared by the ICS had been received.

13. EU Rapporteur

Vincent Power had provided a full report for EXCO, a summary of which he is to present to the Assembly. In his report he discusses inter alia the "MSC Orchestra" case and the conflict between IMO (Marpol) and EU law on sulphur content, as well as competition law as applied in the EU to liner conference arrangements and migration law issues. Dr Power has confirmed that the CMI may post this report on its website. Anne Verlinde is to attend to the posting.

14. Singapore regional office.

Held over to EXCO #2.

15. IOPC Funds: April 2015 meeting.

The report of Rosalie Balkin was noted, with thanks.

16. Correspondence The following correspondence was tabled and noted:

- (a) International Anti-Corruption Court (Ukraine)
- (b) Email Taco Van der Valk: reporting on developments in the Netherlands Antilles
- (c) Email from Dan Gunasekera (Sri Lanka) (reporting that he was making progress towards the formation of an MLA and would welcome a visit from an Executive Councillor. (Lawrence Teh is to be encouraged to include a visit to Sri Lanka in the future).
- (d) Email from Swedish MLA commending a recent visit to the Swedish MLA by Dieter Schwampe at its annual meeting as showing the benefits from interaction between MLAs.
- (e) Email from Dieter Schwampe reporting on an initiative between Baltic MLAs (Denmark, Finland, Germany, Norway, Poland, Russia, Sweden and potentially Estonia) to copy the model of regional co-operation between northern European MLAs (France, Germany, Netherlands and UK).
- (f) Email exchange with Francesco Berlingieri: 22/25 May 2015 concerning the inclusion of the Travaux Préparatoires of the Arrest Conventions in the next edition of his work on "Arrest of Ships."

17. Future meetings:

- (a) Virtual meeting November 2015, on dates to be agreed.

- (b) UNCITRAL WGIV: Attendance of Vincent de Orchis and Luccio Pinta
Noted. The Secretary-General reported having arranged accreditation.

- (c) CMLA and Dalian Maritime University 14-16 October 2015.

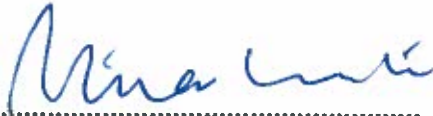
The President and The Secretary-General both reported having received invitations to attend, but both were not able to accept, largely owing to cost implications, and now because of a clash with New York planning meetings.

The Administrator suggested, using Dihuang Song's earlier reference to the CMLA and Dalian Maritime University event, that there might be value in considering saying to NMLAs that if an NMLA intends to hold an international event, it may consider inviting the CMI to send a representative to participate in the conference, thereby getting value for their subscriptions. CMI will, in return, not only put the event on the CMI website but also circulate the event to all other NMLAs. In this way, CMI could show NMLAs that holding events was a good way of being active, generating revenue and paying subscriptions.

18. Any other business.

There being no other business, the meeting ended at 16h30.

The President closed by thanking Benoit Goemans, Andrew Taylor and Louis Mbanefo, all of whom were attending their last EXCO meeting, for their sterling work for the CMI over many years.



.....
STUART HETHERINGTON
PRESIDENT



.....
JOHN HARE
SECRETARY-GENERAL
